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**A CRITICAL ANALYSIS OF CONTINGENCY CONTRACTING
BY DEPARTMENT OF DEFENSE AGENCIES
DURING PEACE OPERATIONS**

A thesis presented to the Faculty of the U.S. Army
Command and General Staff College in partial
fulfillment of requirements for the
degree

MASTER OF MILITARY ART AND SCIENCE

by

**STEPHEN B. LEISENRING, MAJ, USA
B.S., Northern Michigan University, Marquette, Michigan, 1982**

Fort Leavenworth, Kansas

1997

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The opinions and conclusions expressed herein are those of the student author and do not necessarily represent the views of the U.S. Army Command and General Staff College or any other governmental agency. (References to this study should include the foregoing statement.)

ABSTRACT

A CRITICAL ANALYSIS OF CONTINGENCY CONTRACTING BY DEPARTMENT OF DEFENSE AGENCIES DURING PEACE OPERATIONS by MAJ Stephen B. Leisenring, U.S. Army, 108 pages.

This study investigates the doctrine, tactics, techniques, and procedures which apply to contingency contracting within Department of Defense (DoD) agencies during peace operations. These agencies include the unified commands, the component services, the Defense Logistics Agency, and the Army Corps of Engineers.

This study identifies the major documents which contain doctrine, regulations, and procedures for contingency contracting. It determines the extent current doctrine, regulations, and procedures facilitate efficient contingency contracting efforts by multiple DoD contracting activities participating in peace operations. This study further analyzes contingency contracting during selected peace operations and identifies inefficiencies experienced with the contingency contracting effort, the causes of these inefficiencies, and the potential for solving these problems with joint doctrine, tactics, techniques, and procedures for contingency contracting applicable to all DoD contracting activities.

The study recommends establishing joint doctrine, tactics, techniques, and procedures which detail the conduct and interaction of contingency contracting efforts by DOD agencies during peace operations.

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ABBREVIATIONS

AAA	Army Audit Agency
AFARS	Army Federal Acquisition Regulation Supplement
AFFARS	Air Force Federal Acquisition Regulation Supplement
AFI	Air Force Instruction
AOR	Area of Responsibility
AR	Army Regulation
ARFOR	Army Forces
CACB	CINC Acquisition and Contracting Board
CALL	Center for Army Lessons Learned
CCAS	Contingency Contract Administration Services
CCOSP	Contingency Contracting Operational Support Program
CICA	Competition in Contracting Act
CINC	Commander in Chief
CLPSP	CINC Logistics Procurement Support Board
COE	U.S. Army Corps of Engineers
CONUS	Continental United States
COSCOM	Corps Support Command
CREST	Contingency Real Estate Support Team
DCAA	Defense Contract Audit Agency

DCMC	Defense Contract Management Command
DCMDI	Defense Contract Management District International
DFARS	Defense Federal Acquisition Regulation Supplement
DLA	Defense Logistics Agency
DLAD	Defense Logistics Agency Directive
DoD	Department of Defense
DTIC	Defense Technical Information Center
FAR	Federal Acquisition Regulation
FARA	Federal Acquisition Reform Act
FM	Field Manual
FMS	Foreign Military Sales
FORSCOM	Forces Command
FOUO	For Official Use Only
FY	Fiscal Year
GAO	General Accounting Office
HCA	Head of the Contracting Activity
IA	International Agreement
JARB	Joint Acquisition Review Board
JFKO	Joint Field Contracting Office
JLSC	Joint Logistics Support Command
JOPES	Joint Operational Planning and Execution System
JSOTF	Joint Special Operations Task Force
JTF	Joint Task Force
JULLS	Joint Uniform Lessons Learned System

LOGCAP	Logistics Civil Augmentation Program
MARFOR	Marine Forces
MEF	Marine Expeditionary Force
NAPS	Navy Acquisition Procedures Supplement
NATO	North Atlantic Treaty Organization
NAVSUPINST	Navy Supplemental Instruction
NGO	NonGovernment Organization
OPR	Office of Primary Responsibility
P.L.	Public Law
SF44	Standard Form 44, Purchase Order, Invoice, Voucher
TALCE	Tanker-Air-Lift Control Element
TRADOC	Training and Doctrine Command
UN	United Nations
U.S.	United States
USACCE	United States Army Contracting Command, Europe
USAREUR	United States Army Europe
U.S.C.	United States Code
USCENTCOM	United States Central Command
USACOM	United States Atlantic Command
USD(A&T)DP	Under Secretary of Defense (Acquisition & Technology) Defense Procurement
USEUCOM	United States European Command

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CHAPTER ONE

INTRODUCTION

The changing patterns of conflict and threats to United States (U.S.) interests throughout the world have caused the Department of Defense (DoD) to expand its traditional focus. DoD agencies now focus on conducting peace operations as well as the traditional prosecution of war. Peace operations is a relatively new term that encompasses three types of activities. These activities include: support to diplomacy (peacemaking, peace building, and preventive diplomacy), peacekeeping (observation and monitoring of truces and cease-fires using military or paramilitary operations), and peace enforcement (enforcement of sanctions, establishment of protected zones, and forcible separation of belligerents).¹ The level of international participation divides peace operations into three categories. Peace operations can involve United Nations (UN) sanctions and leadership by UN forces. Peace operations can involve UN sanctions without UN participation. And, peace operations can also be completely independent of either UN sanctions or participation.

Peace operations have increased in number, size, and complexity since the end of the Cold War. Since 1988, the number of peace operations has more than doubled. These operations included seventeen UN led operations, ten UN sanctioned operations, and three operations independent of the UN.² US participation in peace operations during this time frame have ranged in complexity from deploying large joint combat forces to separate belligerents (Operation Joint Endeavor), to deploying combat and combat service support elements to

establish protected zones and provide disaster relief (Operation Provide Comfort). The major DoD agencies that participate in peace operations include the unified commands, the U.S. Army, the U.S. Air Force, the U.S. Navy, the U.S. Marine Corps, and the Defense Logistics Agency (DLA).

Peace operations are different from wartime operations in several ways. The most significant differences are the legal environment, unity of effort, configuration of forces, and the conduct and mechanisms of support. Peace operations, by their nature, do not fall under U.S. laws governing war. U.S. participation in peace operations fall under a combination of peacetime laws and/or international agreements specific to the individual operation. These operations require a high degree of unity of effort involving coordination between international military and civilian organizations, U.S. government agencies outside of DoD, and multiple agencies within DoD.

Peace operations involve configurations of U.S. forces different from the standard configurations deployed for war. Agreements authorizing the peace operation usually constrain DoD force configurations in type and quantity. These constraints and the missions associated with peace operations normally require nontraditional mechanisms for supporting DoD forces. These nontraditional mechanisms involve deploying tailored military and civilian contractor forces from multiple DoD agencies, integrating these forces into existing government and civilian infrastructures, and operating under peacetime international laws. These mechanisms require additional methods and procedures for obtaining materiel, supplies, and services. One of the additional methods that has become critical to supporting deployed forces during peace operations is the acquisition of commercial items through contingency contracting.

Contingency Contracting

Contingency contracting is the purchase of materiel, supplies, and services by authorized DoD personnel from host nations, and international and U.S. commercial sources. Contingency contracting by DoD agencies involves two major levels during peace operations: The joint purchase of common materiel, supplies, and services for multiple DoD agencies, and DoD agency specific purchases. DoD agencies have organic contracting activities that can perform the last two levels of contingency contracting during peace operations. These contracting activities normally focus their efforts for contingency contracting toward specific areas. The contracting activities within the DoD that perform the majority of contingency contracting during peace operations are: unified command contracting staff elements, U.S. military contracting activities, the Defense Contract Management District International (DCMDI), and the U.S. Army Corps of Engineers (COE).

The unified command contracting staff elements focus their contingency contracting efforts toward identifying established opportunities and restrictions to contingency contracting in applicable U.S. and international agreements, integrating contingency contracting efforts into joint operations plans, and coordinating contingency contracting efforts within an operation. The U.S. military contracting activities focus their efforts for contingency contracting toward purchasing materiel, supplies, and services in support of their own deployed forces. DCMDI, a subordinate element of DLA, is the responsible contracting activity for contingency contract administration of the Logistics Civil Augmentation Program (LOGCAP) contract. This contract provides previously negotiated civilian contractor augmentation and support to U.S. forces during deployments, including peace operations. Contingency contract administration includes communicating requirements for LOGCAP contract support, directing effort under the contract's terms and conditions, and directing changes to the contractor's efforts. The COE contracting

activity contingency contracting effort focuses on leasing land and real estate required by DoD agencies and organizations during deployments, including peace operations.

The above DoD contracting activities must adhere to federal laws and applicable doctrine, tactics, techniques, and procedures when participating in contingency contracting. The Federal Acquisition Regulation (FAR) and the Defense Federal Acquisition Regulation Supplement (DFARS) codify the laws governing contingency contracting. Each DoD agency has further established specific DFARS supplements, doctrine, tactics, techniques, and procedures for their individual contracting activities applicable to peace operations. The unique aspects of peace operations mentioned above, such as the complexity of unity of effort as well as the various DoD agency regulations and procedures, make contingency contracting during peace operations difficult. This difficulty can lead to inefficiencies and less than effective support to DoD and other participating forces.

The Problem

Participation by multiple DoD contracting activities during previous peace operations has resulted in inefficient contingency contracting efforts. The most critical of these inefficiencies have been the failure to utilize available funding sources, redundant purchases of materiel, supplies, and services, competition between DoD contracting activities for limited available resources, ineffective communication of available suppliers and previously negotiated prices, and ineffective centralized control of the requirements and funding priorities for materiel, supplies, and services requiring contingency contracting. Inefficiencies in contingency contracting during peace operations can lead to two major problems. They can result in significant increases in the total cost to DoD for required contingency contracting support in both

dollars and manpower. They can also prevent the effective management and control of the total DoD contingency contracting effort.

Inefficiencies in contingency contracting within DoD contracting activities during peace operations suggest a lack of uniform doctrine, tactics, techniques, and procedures applicable to all DoD contracting activities. DoD agencies have developed existing regulations and procedures for decentralized contingency contracting of materiel, supplies, and services requirements within their organizations. DoD can possibly eliminate these inefficiencies in contingency contracting during peace operations by establishing joint contingency contracting doctrine, tactics, techniques, and procedures applicable to all DoD contracting activities. These regulations should specify procedures to establish centralized control of requirements and funding sources, eliminate the causes of redundant efforts between contracting activities, and provide for effective communication of available suppliers and previously negotiated prices.

Developing joint doctrine, tactics, techniques, and procedures for contingency contracting may save critical dollar and manpower resources and provide a management and control mechanism that will improve the total contingency contracting effort. An improved total contingency contracting effort would result in overall greater support to deployed DoD forces. The significant increase in opportunities for DoD agencies and organizations to jointly participate within the unique requirements and constraints of peace operations amplifies the importance of establishing mechanisms for coordinated contingency contracting efforts. The problem with current doctrine, regulations, and procedures governing contingency contracting by multiple DoD agencies leads to the thesis of this research.

Research Questions

The primary research question for this thesis is: Is there a requirement to establish joint contingency contracting doctrine, tactics, techniques, and procedures applicable to all DoD contracting activities during peace operations?

Subordinate questions that pertain to this thesis are:

1. What are the current contingency contracting doctrine, tactics, techniques, and procedures applicable to DoD contracting activities during peace operations?
2. What are the requirements within current doctrine, tactics, techniques, and procedures for coordination and integration with other DoD contracting activities?
3. What inefficiencies were evident in contingency contracting operations during previous peace operations?
4. What were the causes of these inefficiencies?
5. What new contingency contracting doctrine, tactics, techniques, and procedures are being considered by DoD agencies?
6. Will new doctrine, tactics, techniques, and procedures eliminate the causes of the inefficiencies in contingency contracting found during previous peace operations?

Significance of The Study

This research will identify aspects of contingency contracting doctrine, tactics, techniques, and procedures within DoD contracting activities that can result in inefficient contingency contracting support during peace operations. Inefficient contingency contracting is significant because it results in a reduction in the overall quality of support provided to deployed DoD forces. This is significant to the DoD because of the increasing requirement to participate in peace operations despite yearly reductions in both DoD budget and manpower.

Assumptions

This thesis assumes that the review and analysis of specific doctrine, tactics, techniques, and procedures and of other documents governing contingency contracting can identify procedures for contingency contracting within DoD contracting activities. It also assumes that the review and analysis of published articles, after action reports, government audits, and reports of lessons learned, when combined with the personal experience of the author during Operation Joint Endeavor, can identify inefficiencies with contingency contracting during previous peace operations. This thesis also assumes that the above analysis can identify the causes of inefficiencies found in contingency contracting operations.

Definition of Terms

The below list contains significant definitions required to understand this thesis that may not be common to all readers unfamiliar with the DoD.

Acquisition: The Federal Acquisition Regulation (FAR) defines acquisition as:

the acquiring by contract with appropriated funds of supplies or services (including construction) by and for the use of the Federal Government through purchase or lease, whether the supplies or services are already in existence or must be created, developed, demonstrated, and evaluated. Acquisition begins at the point when agency needs are established and includes the description of requirements to satisfy agency needs, solicitation and selection of sources, award of contracts, contract financing, contract performance, contract administration, and those technical and management functions directly related to the process of fulfilling agency needs by contract.³

Commercial Item: The FAR defines a commercial item as:

- (a) Any item, other than real property, that is of a type customarily used for non-governmental purposes and that:
 - (1) Has been sold, leased, or licensed to the general public; or,
 - (2) Has been offered for sale, lease, or license to the general public;
- (b) Any item that evolved from an item described in paragraph (a) of this definition through advances in technology or performance and that is not yet available in the commercial marketplace, but will be available in the commercial marketplace in time to satisfy the delivery requirements under a Government solicitation;
- (c) Any item that would satisfy a criterion expressed in paragraphs (a) or (b) of this definition, but for:

- (1) Modifications of a type customarily available in the commercial marketplace; or
- (2) Minor modifications of a type not customarily available in the commercial marketplace made to meet Federal Government requirements. "Minor" modifications means modifications that do not significantly alter the non-governmental function or essential physical characteristics of an item or component, or change the purpose of a process. Factors to be considered in determining whether a modification is minor include the value and size of the modification and the comparative value and size of the final product. Dollar values and percentages may be used as guideposts, but are not conclusive evidence that a modification is minor;
- (d) Any combination of items meeting the requirements of paragraphs (a), (b), (c), or (e) of this definition that are of a type customarily combined and sold in combination to the general public;
- (e) Installation services, maintenance services, repair services, training services, and other services if such services are procured for support of an item referred to in paragraphs (a), (b), (c), or (d) of this definition, and if the source of such services:
 - (1) Offers such services to the general public and the Federal Government contemporaneously and under similar terms and conditions; and
 - (2) Offers to use the same work force for providing the Federal Government with such services as the source uses for providing such services to the general public;
- (f) Services of a type offered and sold competitively in substantial quantities in the commercial marketplace based on established catalog or market prices for specific tasks performed under standard commercial terms and conditions. This does not include services that are sold based on hourly rates without an established catalog or market price for a specific service performed;
- (g) Any item, combination of items, or service referred to in paragraphs (a) through (f), notwithstanding the fact that the item, combination of items, or service is transferred between or among separate divisions, subsidiaries, or affiliates of a contractor; or
- (h) A non-developmental item, if the procuring agency determines the item was developed exclusively at private expense and sold in substantial quantities, on a competitive basis, to multiple State and local governments.⁴

Contingency Contracting: Contracting functions for acquisition of materiel, supplies, and services performed to support deployed forces during contingency operations. Contingency contracting differs from routine U.S. Government contracting in three major areas:

1. Exemptions and waivers to certain laws and regulations may be authorized due to the contingency environment.
2. Preformatted small purchase and various types of contract instruments are used.
3. Predeployment and deployment requirements exist for mission planning and coordination with other DoD agencies.

Contingency Contract Administration Services: Those delegated Contract Administration Service (CAS) functions defined in the Federal Acquisition Regulation performed in support of unprogrammed military operations, such as peace operations.

Applicable CAS characteristics related to contingency operations include:

1. Pre-Award Phase:
 - a. Provide contractor information
 - b. Advise in contract design
2. Post-Award Phase:
 - a. Provide schedule assurance
 - b. Provide cost assurance
 - c. Provide contractor business practice assurance
 - d. Administer contract close-out

Contingency Operation: The Defense Acquisition Regulation Supplement (DFARS) defines contingency operation as:

A military operation that:

- (1) Is designated by the Secretary of Defense as an operation in which members of the armed forces are or may become involved in military actions, operations, or hostilities against an enemy of the United States or against an opposing military force; or
- (2) Results in the call or order to, or retention on, active duty of members of the uniformed services under section 688, 12301(a), 12302, 12304, 12305, or 12406 of Title 10, chapter 15 of Title 10, or any other provision of law during a war or during a national emergency declared by the President or Congress.⁵

Contract: The FAR defines contract as:

A mutually binding legal relationship obligating the seller to furnish the supplies or services (including construction) and the buyer to pay for them. It includes all types of commitments that obligate the Government to an expenditure of appropriated funds and that, except as otherwise authorized, are in writing. In addition to bilateral instruments, contracts include (but are not limited to) awards and notices of awards; job orders or task letters issued under basic ordering agreements; letter contracts; orders, such as purchase orders, under which the contract becomes effective by written acceptance or performance; and bilateral contract modifications.⁶

Contracting: The FAR defines contracting as:

purchasing, renting, leasing, or otherwise obtaining supplies or services from nonfederal sources. Contracting includes description (but not determination) of supplies and services required, selection and solicitation of sources, preparation and award of contracts, and all phases of contract administration. It does not include making grants or cooperative agreements.⁷

Contracting Activity: An element of an agency designated by the agency head and delegated broad authority regarding acquisition functions. DoD contracting activities which participate in peace operations include:

1. Army

- a. U.S. Army, Europe
- b. U.S. Army, Pacific
- c. Military Traffic Management Command
- d. Eighth U.S. Army
- e. Third U.S. Army
- f. U.S. Army, South
- g. U.S. Army Special Operations Command
- h. U.S. Army Corps of Engineers

2. Navy

- a. Naval Air Systems Command
- b. Military Sealift Command
- c. Headquarters, U.S. Marine Corps
- d. Installations and Logistics Headquarters, U.S. Marine Corps

3. Air Force

- a. Air Force Materiel Command
- b. Air Combat Command

- c. Air Mobility Command
 - d. Pacific Air Forces
 - e. United States Air Forces in Europe
4. Defense Logistics Agency
- a. Office of the Executive Director, Contracts
 - b. Defense Contract Management Command

Contracting Office: The FAR defines contracting office as:

an office that awards or executes a contract for supplies or services and performs post-award functions not assigned to a contract administration office.⁸

Contracting Officer: The FAR defines contracting officer as:

a person with the authority to enter into, administer, and/or terminate contracts and make related determinations and findings. The term includes certain authorized representatives of the contracting officer acting within the limits of their authority as delegated by the contracting officer. "Administrative contracting officer (ACO)" refers to a contracting officer who is administering contracts. "Termination contracting officer (TCO)" refers to a contracting officer who is settling terminated contracts. A single contracting officer may be responsible for duties in any or all of these areas. Reference in this regulation to administrative contracting officer or termination contracting officer does not:

- (a) require that a duty be performed at a particular office or activity or
- (b) restrict in any way a contracting officer in the performance of any duty properly assigned.⁹

Defense Federal Acquisition Regulation Supplement (DFARS): The regulation establishing the policies, rules, regulations, and procedures for all commercial acquisitions performed by agencies within the Department of Defense. The DFARS supplements the FAR and derives its authority from statutory delegation to the Secretary of Defense under conditions outlined in the FAR.

Federal Acquisition Regulation (FAR): The regulation establishing the policies, rules, regulations, and procedures for all commercial acquisitions performed by agencies within the

U.S. government. The FAR possesses the authority of enabling legislation and has the full force and effect of federal law.

Head of the Contracting Activity: The person who has overall responsibility for managing contracting activities within their assigned agency or organization. This person must be a general officer or member of the senior executive service.

Purchase Order: The DFARS defines purchase order as:

an offer by the Government to buy supplies or services, including construction and research and development, upon specified terms and conditions, using simplified acquisition procedures. "Simplified acquisition procedures" means the methods prescribed . . . for making purchases of supplies or services using imprest funds, purchase orders, blanket purchase agreements, Government wide commercial purchase cards, or any other appropriate authorized method.¹⁰

Simplified Acquisition Threshold: The DFARS defines Simplified Acquisition Threshold as:

\$100,000. In the case of any contract to be awarded and performed, or purchase to be made, outside the United States in support of a contingency operation, the term means \$200,000.¹¹

The following definitions are found in Joint Publication 1-02, Department of Defense Dictionary of Military & Associated Terms:

Joint: An organization consisting of multiple agencies working for a common purpose, such as in operations, planning, and training. Joint organizations may contain agencies internal and external to the DoD.

Joint Doctrine: Fundamental principles that guide the employment of forces of two or more Services in coordinated action toward a common objective. It will be promulgated by the Chairman of the Joint Chiefs of Staff, in coordination with the combatant commands, Services, and Joint Staff.

Joint Force: A general term applied to a force composed of significant elements, assigned or attached, of two or more Military Departments, operating under a single joint force commander. See also joint force commander.

Joint Force Commander: A general term applied to a combatant commander, sub-unified commander, or joint task force commander authorized to exercise combatant command (command authority) or operational control over a joint force.

Joint Doctrine: Fundamental principles that guide the employment of forces of two or more Services in coordinated action toward a common objective. It will be promulgated by the Chairman of the Joint Chiefs of Staff, in coordination with the combatant commands, Services, and Joint Staff.

Joint Operation Planning: Planning for contingencies that can reasonably be anticipated in an area of responsibility or joint operations area of the command. Planning activities exclusively associated with the preparation of operation plans, operation plans in concept format, campaign plans, and operation orders (other than the single integrated operation plan) for the conduct of military operations by the combatant commanders in response to requirements established by the Chairman of the Joint Chiefs of Staff. Joint operation planning is coordinated at the national level to support Secretary of Defense Contingency Planning Guidance, strategic requirements in the National Military Strategy, and emerging crises. As such, joint operation planning includes mobilization planning, deployment planning, employment planning, sustainment planning, and redeployment planning procedures. Joint operation planning is performed in accordance with formally established planning and execution procedures.

Joint Operation Planning and Execution System (JOPES): A coordinated Joint Staff procedure used by a commander to determine the best method of accomplishing assigned tasks and to direct the action necessary to accomplish the mission.

Joint Purchase: A method of purchase whereby purchases of a particular commodity for two or more departments are made by an activity established, staffed, and financed by them jointly for that purpose.

Joint Tactics, Techniques, and Procedures: The actions and methods that implement joint doctrine and describe how forces will be employed in joint operations. They will be promulgated by the Chairman of the Joint Chiefs of Staff, in coordination with the combatant commands, Services, and Joint Staff.

Joint Task Force: A joint force that is constituted and so designated by the Secretary of Defense, a combatant commander, a sub-unified commander, or an existing joint task force commander.

Peace Operations: A broad term that encompasses peacekeeping operations and peace enforcement operations conducted in support of diplomatic efforts to establish and maintain peace.

Unified Command: A command with a broad continuing mission under a single commander and composed of significant assigned components of two or more Military Departments, and which is established and so designated by the President, through the Secretary of Defense with the advice and assistance of the Chairman of the Joint Chiefs of Staff.¹²

Scope and Limitations

This thesis will analyze the contingency contracting doctrine, tactics, techniques, and procedures applicable to selected DoD contracting activities. It will also analyze contingency contracting by these DoD contracting activities during selected peace operations. This thesis contains the following limiting factors:

Contingency Contracting: The thesis analysis will be limited to doctrine, tactics, techniques, and procedures within DoD contracting activities specifically designated for contingency operations. Therefore, It will not analyze contracting doctrine, tactics, techniques, and procedures for DoD specific to general administrative contracting.

DoD Contracting Activities: This thesis will limit analysis to the contracting activities of the following DoD agencies and organizations: The unified commands, The U.S. Army, the U.S. Air Force, the U.S. Navy, the U.S. Marine Corps, the Defense Contract Management District International (DCMDI), and the U.S. Army Corps of Engineers (COE). It will not analyze the contracting activities of other DoD and non-DoD agencies.

Peace Operations: This thesis will limit analysis to the following peace operations involving DoD contracting activities: Operation Restore Hope (Somalia), Operation Support Hope (Rwanda), Operation Uphold Democracy (Haiti), and Operation Joint Endeavor (Bosnia-Herzegovina). These operations were chosen for analysis because of the level of contingency contracting involvement, and the availability of data relevant to the contingency contracting effort. This thesis will not analyze contingency contracting during other peace operations.

Research Approach

This study will analyze the current doctrine, tactics, techniques, and procedures governing contingency contracting for selected DoD contracting activities. It will also analyze

available historical data, reports, and published articles pertaining to contingency contracting by selected DoD contracting activities for four peace operations. This study will analyze inefficiencies during these contingency contracting operations to determine their causes. The study will investigate new and proposed doctrine, tactics, techniques, and procedures for contingency contracting during peace operations to determine if they will eliminate the causes of the documented inefficiencies. The above study will answer the subordinate thesis questions in order to determine if there is a requirement to establish joint contingency contracting doctrine, tactics, techniques, and procedures applicable to all DoD contracting activities during peace operations.

Thesis Structure

This thesis will present the analysis of the research questions and the conclusions and recommendations using the following organization.

Chapter one is an introduction to the research subject, the problem, the research questions, the significance of the study, research assumptions, definitions of key terms, the scope and limitations of the thesis research, and the research approach.

Chapter two is a review of the past and present literature, regulations, reports, and DoD publications related to the research topic. This literature review will determine if previous literature supports the primary problem of the thesis. This review will also determine the extent documents applicable to contingency contracting during peace operations, and answer the first and second subordinate thesis questions. These questions are: What are the *current* contingency contracting doctrine, tactics, techniques, and procedures applicable to DoD contracting activities during peace operations; and what are the requirements within current doctrine, tactics, techniques, and procedures for coordination and integration with other DoD contracting activities?

Chapter three contains the research methodology used during this research to analyze selected peace operations involving contingency contracting by DoD contracting activities. This outline will define the research approach. This approach will define the dimensions of efficient and inefficient contingency contracting, and the process for determining and categorizing types of inefficiencies. This chapter also will discuss the reasons for selecting the four peace operations used during the analysis.

Chapter four contains the results from the analysis of the four selected peace operations. It provides a background and overview of each contingency contracting effort and details examples and categories of inefficient contingency contracting during each operation. It will also determine the causes of these inefficiencies. This analysis will answer the third and fourth subordinate research questions. These questions are: What inefficiencies were evident in contingency contracting operations during previous peace operations, and what were the causes of these inefficiencies?

Chapter five contains a review of new and proposed doctrine, tactics, techniques, and procedures for contingency contracting by DoD agencies. This review will answer the fifth and sixth subordinate research questions. These questions are: What new contingency contracting doctrine, tactics, techniques, and procedures are being considered by DoD agencies, and will new doctrine, tactics, techniques, and procedures eliminate the causes of the inefficiencies in contingency contracting found during previous peace operations? The resulting answers from the six subordinate research questions will provide the basis for determining the answer to the primary research question of this thesis: Is there a requirement to establish joint contingency contracting doctrine, tactics, techniques, and procedures applicable to all DoD contracting activities during peace operations? The analysis in this chapter will discuss potential answers to

this primary question and determine the best solution. This chapter will then provide the author's conclusions and recommendations to the primary research question.

Projected Outcomes

This thesis projects that various contingency contracting doctrine, tactics, techniques, and procedures for DoD contracting activities have caused significant inefficiencies in conducting contingency contracting during peace operations. The result of this inefficient contingency contracting is less than maximum support to deployed forces. It also projects that new and proposed doctrine, tactics, techniques, and procedures will continue to cause inefficient contingency contracting efforts. This thesis projects that there is a requirement to establish joint contingency contracting doctrine, tactics, techniques, and procedures applicable to all DoD contracting activities during peace operations to reduce these inefficiencies.

¹U.S. Army, FM 100-23, Field Service Regulations--Peace Operations (Washington, DC: Department of the Army, 1994), iv-9.

²U.S. General Accounting Office, Peace Operations, Information on U.S. and U.N. Activities (Washington, DC: General Accounting Office, 1995), 10-12.

³U.S. Government, Federal Acquisition Regulation, (Washington, DC: General Services Administration, 1996), Subpart 2.101, [CD-ROM] Defense Acquisition Deskbook version 1.3 (WPAFB, OH: Defense Acquisition Deskbook Joint Program Office, 31 December 1996). Hereafter cited as FAR.

⁴Ibid.

⁵Department of Defense, Defense Federal Acquisition Regulation Supplement (Washington, DC: General Services Administration, 1996), Subpart 213.1, [CD-ROM] Defense Acquisition Deskbook version 1.3 (WPAFB, OH: Defense Acquisition Deskbook Joint Program Office, 31 December 1996) Hereafter cited as DFARS.

⁶FAR, subpart 2.101.

⁷Ibid.

⁸Ibid.

⁹Ibid.

¹⁰DFARS, subpart 213.1.

¹¹Ibid.

¹²Joint Chiefs of Staff, Joint Pub 1.02, Department of Defense Dictionary of Military and Associated Terms (Washington, DC: Department of Defense, 1994), 236-457,[CD-ROM] Joint Electronic Library (Washington, DC: OC Incorporated, April 1996).

CHAPTER TWO

LITERATURE REVIEW

Introduction

There is a wide variety of literature pertaining to many aspects of contingency contracting. This body of literature is increasing in both quantity and scope. This chapter details the review of literature pertaining to contingency contracting by the major DoD agencies which participate in peace operations. This review focused on literature that provided a historical perspective of DoD contingency contracting, and the current doctrine, tactics, techniques, and procedures for contingency contracting.

Purpose

There were three reasons for this literature review. The first reason was to increase the author's knowledge of contingency contracting, and substantiate the validity of the problem statement of this thesis. The second reason was to answer the first and second subordinate research questions. These are: What are the current contingency contracting doctrine, tactics, techniques, and procedures applicable to DoD contracting activities during peace operations, and what are the requirements within current doctrine, tactics, techniques, and procedures for coordination and integration with other DoD contracting activities?

The third reason for this review was to identify documents for use in selecting and analyzing contingency contracting during previous peace operations.

Scope

This review focused on literature directly applicable to contingency contracting during peace operations available to the author through the Defense Technical Information Center (DTIC), the Joint Uniform Lessons Learned System (JULLS), the Center for Army Lessons Learned (CALL), and official points of contact for contingency contracting within DoD agencies. Several of the documents reviewed in this chapter are undergoing revision. For the purpose of this literature review, current publications were those published prior to 31 December 1996. New and draft literature were those published after 1 January 1997.

Organization of Material

The literature pertaining to contingency contracting within DoD agencies in this chapter was divided into four major sections: background literature pertaining to general aspects of contingency contracting; literature containing current doctrine, tactics, techniques, and procedures for contingency contracting; literature specific to contingency contracting during previous peace operations; and new and draft literature pertaining to contingency contracting. This literature consisted of two types: formal (official) and informal (unofficial). Formal literature was defined as literature published under the authority of an organization within a DoD agency by an individual or organization acting in their official capacity. Informal (unofficial) literature was defined as literature published by individuals or organizations not in an official capacity, such as academic papers and theses.

Background Literature

Background literature pertaining to general aspects of contingency contracting was reviewed in order to increase the author's knowledge of contingency contracting and substantiate the validity of the problem statement of this thesis. The major sources of this background

literature were formal reports by the General Accounting Office (GAO) and informal theses about contingency contracting. This literature established the growing significance of peace operations, the importance of contingency contracting to their conduct, and substantiated problems with contingency contracting by multiple DoD agencies.

Significance of Peace Operations

Peace operations have become increasingly important to the DoD. The number of peace operations have more than doubled in the last ten years.¹ The size and scope of DoD participation has also increased, resulting in significant costs in manpower and dollars. Recent peace operations have involved large numbers of DoD combat and combat service support forces from multiple agencies. Examples include Operation Restore Hope in Somalia (26,000 personnel), Operation Uphold Democracy in Haiti (20,000 personnel), and Operation Joint Endeavor in Bosnia (28,000 personnel).² The significant increase in participation by DoD during peace operations was concentrated primarily within Army and Air Force combat units, and active and reserve combat service support and engineer units from all services. These units have experienced readiness and personnel problems because of increased deployments for peace operations.³

The costs of recent peace operations has also increased along with manpower requirements. Incremental costs to DoD for peace operations were \$1,907.8 million in fiscal year (FY) 1994, \$1,820.7 million in FY#95, and in excess of \$2,000 million in FY#96.⁴ Significant aspects of these values were a result of deploying and paying active and reserve personnel to perform nontraditional tasks specific to peace operations. Examples of these tasks included construction of semi-permanent camps and logistics support to agencies outside of DoD.

Significance of Contingency Contracting

The review of background literature established the importance of contingency contracting for DoD in supporting peace operations. The UN lacks supply stockpiles and a logistics system sufficient to support the size and complexity of most recent peace operations. Because of this, the UN has relied heavily on purchasing required materiel, supplies, and equipment using contingency contracting.⁵ The increased manpower and dollar requirements for peace operations have also caused DoD to obtain increasing amounts of materiel, supplies, and services from commercial contractors through contingency contracting.⁶ The purpose of this increased contingency contracting effort was to relieve the deployment burden on units and to obtain materiel, supplies, and services at reduced costs.⁷

DoD contingency contracting during peace operations has included purchasing materiel, supplies, and services from host nations, and international and U.S. commercial sources. One of the most widely used methods of contingency contracting during previous peace operations has been the use of the Logistics Civil Augmentation Program (LOGCAP) contractor to provide engineering, base camp construction, and life support services. The LOGCAP contract has been used in seven peace operations since 1992 with total expenditures over \$700 million.⁸

Substantiation of the Problem Statement

Background literature identified problems associated with a number of aspects pertaining to contingency contracting operations. The problems in the background literature were grouped in two major categories. First, there were insufficient laws, regulations, and procedures governing contingency contracting by DoD agencies during peace operations. The laws, regulations, and procedures applicable to DoD agencies primarily addressed contracting during peacetime conditions and contained limited provisions for contracting not involving a

declaration of war or contingency. The previous laws and regulations did not contain adequate provisions for contracting in support of deployed forces during peace operations.⁹ These laws and regulations did not facilitate efficient contingency contracting.¹⁰ The requirements contained in these laws and regulations hindered rapidly contracting for materiel and services in austere environments from host nation and other sources unfamiliar with their requirements and procedures.¹¹

The second major category of problems with contingency contracting in the background literature was ineffective interaction between DoD contracting activities during contingency operations. There were no common organizations or procedures below the DoD level. The contracting activities of the major DoD agencies had dissimilar organizations and viewed the contingency contracting process differently.¹² Contingency contracting was not effectively integrated into initial planning for contingency operations.¹³

The two categories of problems outlined above provided evidence of inefficiencies with the conduct of contingency contracting by DoD agencies. These inefficiencies included: ineffective use of all available funding sources, redundant purchases between agencies, competition between agencies for critical supplies, failure to communicate available suppliers and previously negotiated prices, and ineffective centralized control of multiple contingency contracting activities.¹⁴

Literature Containing Doctrine, Tactics, Techniques, and Procedures Governing Contingency Contracting

Literature containing doctrine, regulations, and procedures for contingency contracting was reviewed in order to determine the authoritative works pertaining to the first subordinate research question: What are the current contingency contracting doctrine, regulations, and procedures applicable to DoD contracting activities during peace operations? The sources of this

literature were official publications applicable to the U.S. government and DoD agencies. The literature reviewed in this section is divided into three categories: the laws and regulations applicable to all DoD contracting, the regulations specific to DoD contracting activities, and literature containing doctrine for contingency contracting.

Laws and Regulations Applicable to All DoD Contracting

The body of U.S. laws applicable to all contracting operations (including contingency contracting) within DoD agencies was found to be extensive and constantly growing. A representative sample of these laws includes: Congressional Policy on Defense Procurement [10 U.S.C. 2301], The Competition in Contracting Act (CICA)[10 U.S.C. 2304]; The Defense Resources Act [50 U.S.C. 1431-1435 as amended by P.L. 93-155]; Section 607, Foreign Assistance Act [22 U.S.C. 2357]; and the FY#95 and FY#96 Defense Authorization Acts. These and other U.S. laws applicable to DoD contracting are codified in the body of regulations comprising the Federal Acquisition Regulation System. This system includes all regulations and supplements which control the acquisition of materiel, supplies, and services by components of the U.S. Government.

The primary regulations applicable to all contracting by DoD agencies contained in the Federal Acquisition Regulation System are the Federal Acquisition Regulation (FAR) and the Defense Federal Acquisition Regulation Supplement (DFARS). These documents detail specific policies and procedures for all contracting operations. Major aspects of these policies and procedures include: procedures for determining and validating contracting requirements, procedures for funding valid requirements, procedures for soliciting and selecting commercial sources, requirements for the type and level of competition necessary to protect U.S. Government interests, requirements for certifying contractor proposals and prices, procedures

for standard contract methods and formats, and requirements for provisions and clauses for U.S. Government contracts.

The FAR and DFARS provide the authority and procedures for deviations from certain regulations under specific conditions. The FAR policy for deviations is generally based on a case-by case review and consists of two types: deviations for individual contracts and deviations for a class of contracts. The FAR assigns authority for approval of waivers pertaining to DoD agencies to the Director of Defense Procurement, Office of the Under Secretary of Defense (Acquisition & Technology), USD(A&T)DP within limitations specified in DFARS, subpart 201.402.¹⁵ The USD(A&T)DP further assigns deviation authority under specific conditions to each DoD head of the contracting activity (HCA).¹⁶

The FAR and DFARS dictate basic policies and regulations which are applicable to, but not specific for, the unique aspects of contingency contracting during peace operations. There are no chapters or sections within the FAR or DFARS that specifically address contingency contracting. These regulations do, however, allow for deviations and waivers to several peacetime regulations which may apply to contingency contracting. Neither regulation allows for pre-approved waivers and deviations for peace operations. Contracting officers must seek approval from higher authorities for waivers and deviations to contracting regulations for each contingency. This requires submission and approval of individual contract and/or class deviations in order to facilitate efficient contingency contracting during peace operations.

Regulations Specific to DoD Contracting Activities

Regulatory literature was defined for this literature review as official documents which contained regulations and procedures for contingency contracting applicable to specific DoD

contracting activities. The following are the regulatory documents identified during this review for the major DoD agencies which participate in peace operations.

Unified Command Regulations

MCM 135-91, Acquisition and Contracting Management Role of the Unified and Specified Commands, directs that commanders of unified and specified commands will coordinate contracting operations within their commands whenever practical to promote overall effectiveness and efficiency. It directs subordinate commands to appoint an office of primary responsibility (OPR) for contingency contracting, and recommends each command establish a CINC Acquisition and Contracting Board (CACB) with participation by DoD contracting activities which normally conduct contingency contracting within the unified command's area of responsibility (AOR). This regulations recommend responsibilities for the CACB which include:

1. Planning and developing arrangements, in coordination with component commands and host countries, for the contracting of supplies and services.
2. Arranging for single-service component contracting assignments for specified supplies and services.
3. Maintaining an exchange of information among participating contracting activities for sources of supply, prices, and contractor performance.
4. Providing guidance on consolidated contracting and developing and issuing command contracting policy covering matters unique to their command.¹⁷

This regulation does not specify procedures for accomplishing the above. It assigns responsibility to the unified commands to develop procedures which comply with the FAR and the DFARS.

The unified commands have regulations governing contingency contracting in their individual AOR. These regulations require a consolidated joint contingency contracting effort involving DoD contracting activities, UN contracting, and host nation support. These regulations establish CACB organizations and identify their responsibilities. However, none of these regulations detail specific procedures for accomplishing these responsibilities.¹⁸

Army Regulations

The primary regulation controlling Army contracting activities is the Army Federal Acquisition Regulation Supplement (AFARS).¹⁹ Army Federal Acquisition Regulation Supplement Manual Number Two: Contingency Contracting, to the AFARS provides regulations and procedures for contingency contracting by Army contracting activities.²⁰ This manual applies FAR, DFARS, and AFARS regulations to contingency contracting operations, and establishes specific procedures for the conduct of contingency contracting.

Army Regulation 700-137, Logistics Civil Augmentation Program (LOGCAP), establishes policy, procedures, and responsibilities for planning and using LOGCAP contract support during contingency operations. The regulation assigns responsibilities to Army major commands, unified commands, and Joint Task Force (JTF) commanders using LOGCAP contract support. It establishes the FAR, DFARS, and AFARS as the governing regulations for LOGCAP.²¹

Air Force Regulations

The primary regulation controlling Air Force contracting activities is the Air Force Federal Acquisition Regulation Supplement (AFFARS). AFFARS appendix CC, Contingency Contracting Operational Support Program (CCOSP), provides regulations and procedures for contingency contracting by Air Force contracting activities.²² This appendix applies FAR,

DFARS, and AFFARS regulations to contingency contracting operations, and establishes specific procedures for the conduct of contingency contracting for Air Force contracting activities.

Air Force Instruction (AFI) 64-102, Operational Contracting, and AFI 64-109, Local Purchase Program, assign responsibility for implementing the AFFARS appendix CC to Air Force contracting activities.²³ Neither AFI adds additional regulations or procedures to the AFFARS appendix.

Navy Regulations

The Department of the Navy Acquisition Procedures Supplement (NAPS) to the DFARS governs contracting by Navy contracting activities. The NAPS does not contain a supplement for contingency contracting operations. Navy Supplemental Instruction (NAVSUPINST) 4200.85C, Department of The Navy Simplified Acquisition Procedures, establishes regulations for shipboard procurement of supplies and services in the open market using simplified acquisition procedures.²⁴ This regulation applies to contracting operations which occur in support of deployed Naval ships. Navy Supplemental Instruction 4230.37A, Naval Contingency Contracting Program, assigns responsibilities for planning, coordinating, and implementing contingency contracting support by Navy contracting activities.²⁵

Marine Corps Regulations

Marine Corps contracting activities are governed by the NAPS. Appendix B to Marine Corps Order P4200.15, Marine Corps Purchasing Procedures Manual, establishes general policies and regulations for contingency contracting operations conducted by Marine Corps contracting activities.²⁶ This appendix primarily addresses the differences between the

peacetime and contingency contracting environments. It does not detail specific regulatory procedures.

Defense Contract Management District International (DCMDI)

Part II, Chapter 12, “Contingency Contract Administration Services” (CCAS), to Defense Logistics Agency Directive (DLAD) 5000.4, Contract Management, provides detailed regulations and procedures for contingency contract administration by DCMDI. These regulations and procedures govern DCMDI administration of the LOGCAP contract during contingency operations. This document assigns responsibilities and provides procedures for personnel support, and coordination with other DoD agencies and contract activities.²⁷

U.S. Army Corps of Engineers (COE)

The Army COE CREST Field Manual, Book 1: Real Estate Operations, provides policy and regulations governing the lease of host nation real estate through contingency contracting. This field manual establishes the organization and responsibilities of contingency real estate support teams (CREST), outlines requirements for real estate contracting and contract administration during contingencies, and the responsibilities for DoD agencies requiring CREST support during contingency operations.²⁸

Doctrinal Literature for Contingency Contracting

Doctrinal literature was defined for this literature review as official documents which contained guidelines for the application and integration of contingency contracting into peace operations. Doctrinal literature identified during this review was divided into two categories: DoD agency specific doctrine, and joint doctrine.

Agency Specific Doctrine

The review of agency specific literature discovered limited doctrine discussing contingency contracting support for operations. The publications discussing Army, Air Force, Navy, and Marine Corps logistics operations identified contracting support as a viable source for supplies and services during operations. These publications did not, however, provide detailed guidance or principles for prioritizing, planning, funding, and integrating contingency contracting efforts into operations to provide these supplies and services.

Army doctrine for contingency contracting support is the most extensive of the DoD agencies. Army doctrine identifies contingency contracting as a viable mechanism for providing essential materiel, supplies, and services. It does not, however, provide sufficient guidance to establish a process for this support. Army doctrine relies on the joint force command to determine requirements for contingency contracting support during operations, and establish mechanisms for integration and coordination of the various DoD agency contracting activities participating in the operation.²⁹

Joint Doctrine

The joint publications reviewed contained more extensive doctrine for contracting support during contingency operations. These publications identified that contracted logistics support will be necessary in order to provide essential supplies and services, and outline guidance and responsibilities for contracting support. Joint Pub 4-0, Doctrine for Logistics Support of Joint Operations, assigns the services responsibility for contingency contracting within their commands and assigns the responsibility for contingency contract administration to DLA. This publication also assigns responsibility for coordinating contracting operations between the services and non-DoD organizations, such as the UN and NATO to the unified commands. This publication contains guidance for establishing the CINC Logistics Procurement Support Board (CLPSB) to facilitate this coordination. The CLPSB is an expansion of the

CACB identified in joint regulation MCM 135-91, Acquisition and Contracting Management Role of the Unified and Specified Commands, reviewed earlier. Functions of the CLPSB include:

1. Coordinating with US Embassies and host countries for acquisition of supplies and services and for operations by contractors performing under US contracts.
2. Eliminating duplication by arranging for single-Service contracting assignments for specified supplies and services, when appropriate.
3. Providing an exchange of information among contracting activities covering such matters as sources of supply, prices, and contractor performance.
4. Providing guidance on the consolidation of purchases.
5. Establishing procedures to coordinate procurement with the supply operations of the commander and area.
6. Prescribing payment procedures consistent with currency-control requirements and international agreements.³⁰

Joint Pub 3-07.3, Joint Tactics, Techniques, and Procedures for Peacekeeping Operations, also specifies the need for contingency contracting support. It focuses on contracting support by, and in support of, UN organizations and traditional problem areas with host nation support and contingency contracting. The two joint publications discussed above do not provide doctrinal procedures for this joint contingency contracting effort.³¹

Literature Specific to Contingency Contracting During Previous Peace operations

The review of literature specific to contingency contracting during previous peace operations identified formal and informal documents which discussed the conduct of contingency contracting efforts during Operations Restore Hope, Support Hope, Uphold

Democracy, and Joint Endeavor. The literature review discovered numerous after action reports by contracting personnel conducting contingency contracting during each of these operations as well as several consolidated reports by the Center for Army Lessons Learned (CALL) and reports of inspections and audits of contingency contracting operations. These documents were incorporated into chapter four of this thesis during the analysis of these operations.

New and Draft Literature

This literature review identified a number of new and draft documents containing doctrine, regulations, and procedures for contingency contracting. These documents were divided into three categories: new regulations published after 1 January 1997, draft regulations, and draft doctrine.

New Regulations

The most significant of these documents are revisions to the FAR and DFARS which incorporate changes to acquisition laws contained in the Federal Acquisition Streamlining Act (FASA) and Federal Acquisition Reform Act (FARA). These revisions raise the threshold defining simplified acquisitions, waive numerous requirements for purchases in support of DoD agencies outside of the U.S., and provide for the use of simplified forms and procedures for contracting during contingencies.³²

Draft Regulations

Draft regulations discovered during this review include “AFARS Manual Number Two: Contingency Contracting” (Draft) and “The Naval Contingency Contracting Manual” (Draft). The draft revision of “AFARS Manual Number Two: Contingency Contracting” incorporates changes to the FAR and DFARS and authorizes the application of recently approved waivers of

acquisition regulations and procedures specifically for peace operations.³³ “The Naval Contingency Contracting Manual” (Draft) establishes specific policies and regulations for contingency contracting by U.S. Navy contracting activities and authorizes the application of certain recently approved waivers of acquisition regulations and procedures for peace operations.³⁴ These policies and regulations are general in format and do not provide detailed procedures for the organization or conduct of contingency contracting operations.

Draft Doctrine

This review identified a limited number of draft publications discussing contingency contracting doctrine. No draft publications were identified which establish joint doctrine applicable to all DoD contracting activities. The significant draft publications identified were Directive Number XXX, “Contracting-Contingency Contracting” (Draft), U.S. European Command (USEUCOM), and TRADOC Pamphlet 525-XXX, “Combat Service Support Concept” (Draft), Headquarters, U.S. Army Training and Doctrine Command (TRADOC).

Directive Number XXX, “Contracting-Contingency Contracting” (Draft), establishes general policies and procedures for contingency contracting within the USEUCOM AOR. It states the importance of contingency contracting for the overall support of operations, and establishes a basic structure for coordination and consolidation of DoD contracting activities supporting a joint operation within the USEUCOM AOR.³⁵

TRADOC Pamphlet 525-XXX, “Combat Service Support Concept” (Draft), identifies contingency contracting support as a critical function for the overall support of U.S. Army forces. This draft stipulates that the major responsibility for the overall contingency contracting effort during a joint operation is the responsibility of the theater army or unified command level

logistics organization. It does not contain any other than general guidelines for planning, organizing, or conducting contingency contracting.³⁶

Summary

The review of background literature pertaining to contingency contracting substantiated the assumption that inefficient contingency contracting efforts were evident during previous peace operations. The remaining literature review discovered that the current doctrine, regulations, and procedures governing contingency contracting during peace operations are not uniform for all DoD contracting activities. Current regulations and procedures focus primarily on the application of FAR and DFARS regulations to specific DoD contracting activities. The current doctrine for contingency contracting operations for DoD contracting activities differ in their organizations, scope, and requirements for joint coordination and interaction during peace operations. These current doctrinal documents all recognize the necessity for joint coordination and interaction, but provide insufficient mechanisms and procedures for accomplishing these requirements during contingency operations involving multiple DoD contracting activities.

The limitations of current doctrine, regulations, and procedures suggested that inefficient contingency contracting by DoD agencies may continue in future peace operations. In order to validate this assertion, it was necessary for this research to analyze the inefficiencies with contingency contracting during previous peace operations in order to determine if their causes were attributable to a lack of common doctrine, tactics, techniques, and procedures. The following chapter of this research contains the methodology used during this research to analyze DoD contingency contracting efforts during previous peace operations in order to identify incidents of inefficient contingency contracting operations and determine their causes.

Chapter four will contain the results of the analysis of contingency contracting during previous peace operations using the research methodology. Chapter five will contain the determination of whether new and draft doctrine, regulations, and procedures will eliminate the inefficiencies discovered during the analysis, the author's conclusions for the subordinate research questions, and the conclusion to the primary research question: whether there is a requirement to establish joint contingency contracting doctrine, tactics, techniques, and procedures applicable to all DoD contracting activities during peace operations.

¹U.S. General Accounting Office, Peace Operations: Information on U.S. and U.N. Activities (Washington, DC: General Accounting Office, 1995), 10-12.

²U.S. General Accounting Office, Peace Operations: Heavy Use of Key Capabilities May Affect Response to Regional Conflicts (Washington, DC: General Accounting Office, 1995), 12-13.

³U.S. General Accounting Office, Military Readiness: A Clear Policy Is Needed to Guide Management of Frequently Deployed Units (Washington, DC: General Accounting Office, 1996), 1-17.

⁴ U.S. General Accounting Office, Peace Operations: DoD's Incremental Costs and Funding for Fiscal Year 1994 (Washington, DC: General Accounting Office, 1995), 10; U.S. General Accounting Office, Peace Operations: Estimated Fiscal Year 1995 Costs to the United States (Washington, DC: General Accounting Office, 1995), 16.

⁵U.S. General Accounting Office, U.N. Peacekeeping: Lessons Learned in Managing Recent Missions (Washington, DC: General Accounting Office, 1993), 5.

⁶Increased use of contingency contracting is prevalent throughout the background literature cited in 1-5 above. All provide historical examples showing significant increases in contingency contracting efforts.

⁷U.S. General Accounting Office, DoD Force Mix Issues: Greater Reliance on Civilians in Support Roles Could Provide Significant Benefits (Washington, DC: General Accounting Office, 1994), 37.

⁸U.S. General Accounting Office, Contingency Operations: Opportunities to Improve the Logistics Civil Augmentation Program (Washington, DC: General Accounting Office, 1997), 7.

⁹Robert G. Morrison, "Mobilizing the Defense Contracting Process" (Executive Research Project, Industrial College of the Armed Forces, 1993), text-fiche, 1-11, DTIC.

¹⁰Robert L. Mason, "Contingency Contracting During Low-Intensity Conflicts" (MSCM Thesis, Air Force Institute of Technology, 1988), text-fiche, 2-17, DTIC.

¹¹Scott J. Koster, "Preparing for the Unexpected, Contingency Contracting in Contingency Situations" (MSM Thesis, Naval Post Graduate School, 1991), text-fiche, 59-62, DTIC.

¹²Charley L. Williams, "DoD Contracting in the Global Environment" (Executive Research Project, Industrial College of the Armed Forces, 1993), text-fiche, 26, DTIC.

¹³Kelly N. Campbell, "Contingency Contracting Officers: Can They Adequately Support The Force?" (MSM Thesis, Naval Postgraduate School, 1994), text-fiche, 17, DTIC.

¹⁴Brian P. Casey, "Financial Implications of DoD Participation in Peacekeeping Operations" (MSM Thesis, Naval Postgraduate School, 1994), text-fiche, 50-52, DTIC; Scott J. Koster, 67; Kelly N. Campbell, 27-76; U.S. General Accounting Office, U.N. Peacekeeping: Lessons Learned in Managing Recent Missions (Washington, DC: General Accounting Office, 1993), 35-48.

¹⁵U.S. Government, Federal Acquisition Regulation (Washington, DC: General Services Administration, 1996), Subpart 1.402 [CD-ROM] Defense Acquisition Deskbook Version 1.3 (WPAFB, OH: Defense Acquisition Deskbook Joint Program Office, 31 December 1996). Hereafter cited as FAR.

¹⁶Department of Defense, Defense Federal Acquisition Regulation Supplement (Washington, DC: General Services Administration, 1996), Subpart 201.402 [CD-ROM] Defense Acquisition Deskbook Version 1.3 (WPAFB, OH: Defense Acquisition Deskbook Joint Program Office, 31 December 1996).

¹⁷Joint Chiefs of Staff, MCM 135-91, Acquisition and Contracting Management Role of the Unified and Specified Commands (Washington, DC: Department of Defense, 1991), 1-7.

¹⁸U.S. Pacific Command, USINCPACINST 4230.1C, Contingency Contracting (Ft. Schafter, HI: U.S. Pacific Command, 1997), 1-5; U.S. European Command, ED 55-11, Joint Task Force Headquarters Policies, Procedures, and Organization (APO AE 09128: U.S. European Command); U.S. Central Command, CCR 525-1, CINC's Warfighting Instructions Vols. 1 and 2 (Tampa, FL: U.S. Central Command, 1996), V-3, 7-C-2.

¹⁹Department of the Army, Army Federal Acquisition Regulation Supplement (Washington, DC: Department of the Army, 1996), Subpart 1.1, [CD-ROM] Defense Acquisition Deskbook Version 1.3 (WPAFB, OH: Defense Acquisition Deskbook Joint Program Office, 31 December 1996).

²⁰Department of the Army, Army Federal Acquisition Regulation Supplement Manual Number Two: Contingency Contracting (Washington, DC: Department of the Army, 1996), [CD-ROM] Defense Acquisition Deskbook Version 1.3 (WPAFB, OH: Defense Acquisition Deskbook Joint Program Office, 31 December 1996).

21U.S. Army, AR 700-137, Logistics--Logistics Civil Augmentation Program (Washington, DC: Department of the Army, 1996).

22Department of the Air Force, Appendix CC, Contingency Contracting Operational Support Program (CCOSP), to Air Force Federal Acquisition Regulation Supplement (Washington, DC: Department of the Air Force, 1996), [CD-ROM] Defense Acquisition Deskbook Version 1.3 (WPAFB, OH: Defense Acquisition Deskbook Joint Program Office, 31 December 1996).

23U.S. Air Force, AFI 64-102, Contracting--Operational Contracting (Washington, DC: Department of the Air Force, 1994), [CD-ROM] Air Force Electronic Publications Library (Baltimore, MD: Department of the Air Force, SAF/ADD, December 1996); U.S. Air Force, AFI 64-109, Contracting--Local Purchase Program (Washington, DC: Department of the Air Force, 1994), [CD-ROM] Air Force Electronic Publications Library (Baltimore, MD: Department of the Air Force, SAF/ADD, December 1996).

24Department of the Navy, Department of the Navy Acquisition Procedures Supplement (Washington, DC: Department of the Navy, 1996), [CD-ROM] Defense Acquisition Deskbook Version 1.3 (WPAFB, OH: Defense Acquisition Deskbook Joint Program Office, 31 December 1996); U.S. Navy, NAVSUPINST 4230.85c, Department of the Navy Simplified Acquisition Procedures (Washington, DC: Department of the Navy, 1995).

25U.S. Navy, NAVSUPINST 4230.37A, Naval Contingency Contracting Program (Washington, DC: Department of the Navy, 1996).

26U.S. Marine Corps, MCO P4200.15G, Marine Corps Purchasing Procedures Manual (Washington, DC: Department of the Navy, 1991).

27Defense Contract Management Command, Part II, Chapter 12, "Contingency Contract Administration Services (CCAS)" to DLAD 5000.4, Contract Management (Ft. Belvoir, VA: Defense Logistics Agency, 1996).

28U.S. Army Corps of Engineers, CREST Field Manual Book 1: Real Estate Operations (Washington, DC: Department of the Army, 1994).

29U.S. Army, FM 100-23, Field Service Regulations--Peace Operations (Washington, DC: Department of the Army, 1994), 60. This Army doctrinal manual addresses contingency contracting for peace operations. There are a large number of other Army manuals which mention contingency contracting, but do not provide guidance on its planning, organization, or use.

30Joint Chiefs of Staff, Joint Pub 4-0, Doctrine for Logistics Support of Joint Operations (Washington, DC: Department of Defense, 1995), A-3, B-1-5, [CD-ROM] Joint Electronic Library (Washington, DC: OC Incorporated, April 1996).

31Joint Chiefs of Staff, Joint Pub 3-07.3, Joint Tactics, Techniques, and Procedures for Peacekeeping Operations (Washington, DC: Department of Defense, 1994), VII-1-V-III, [CD-ROM] Joint Electronic Library (Washington, DC: OC Incorporated April 1996).

32FAR, changes resulting from FASA and FARA are incorporated throughout the FAR and DFARS.

33Assistant Secretary of the Army, Research, Development, and Acquisition “Army Federal Acquisition Regulation Supplement Manual Number Two: Contingency Contracting” (Draft) (Washington, DC: Assistant Secretary of the Army, Research Development and Acquisition, n.d.).

34Naval Supply Systems Command, “The Naval Contingency Contracting Manual” (Draft) (Portsmouth, VA: Headquarters, Headquarters, Naval Supply Systems Command, n.d.).

35U.S. European Command, Directive Number XX, “Contracting--Contingency Contracting” (Draft) (APO AE 09128: Headquarters, U.S. Army European Command, n.d.).

36U.S. Army Training and Doctrine Command, TRADOC PAM 525-XXX, “Combat Service Support Concept” (Draft) (Ft. Monroe, VA: Headquarters, U.S. Army Training and Doctrine Command, n.d.).

CHAPTER THREE

RESEARCH METHODOLOGY

Introduction

This chapter states the purpose for the research and details the methodology used to analyze DoD contingency contracting during previous peace operations. This methodology details the approach used to identify, categorize, and determine the causes of inefficiencies with contingency contracting, defines the dimensions of efficient contingency contracting, and outlines the selection of previous peace operations used during the research effort.

Purpose

The purpose of the analysis of previous peace operations is to answer the third and fourth subordinate research questions. These questions are:

What inefficiencies were evident in contingency contracting during previous peace operations?

What were the causes of these inefficiencies?

Answers to these subordinate questions were necessary in order to determine if inefficient contingency contracting experienced during previous operations was attributable to a lack of uniform doctrine, tactics, techniques, and procedures. This determination was essential to answering the primary thesis question.

Methodology

The primary method for this research of contingency contracting during previous peace operations was a critical review of after action reports and results of inspections, from DoD agencies and contracting activities participating in the operations. After action reports included official reports submitted to the JULLS and CALL data bases, and unofficial documents written by DoD personnel which directly participated in relevant DoD contracting activities. This methodology assumed that these official and unofficial after action reports were an accurate representation of the conduct of contingency contracting operations.

The review of these after action reports focused on identifying and categorizing inefficient contingency contracting efforts during previous peace operations, and determining their causes. In order to do this, it was necessary to define the dimensions of efficient contingency contracting and select a representative sample of previous peace operations.

Dimensions of Efficient Contingency Contracting

FAR subpart 1.102-2 lists the following performance standards for U.S. Government contracting:

- (a) Satisfy the customer in terms of cost, quality, and timeliness of the delivered product or service.
 - (1) The principal customers for the product or service provided by the System are the users and line managers, acting on behalf of the American taxpayer.
 - (2) The System must be responsive and adaptive to customer needs, concerns, and feedback. Implementation of acquisition policies and procedures, as well as consideration of timeliness, quality, and cost throughout the process, must take into account the perspective of the user of the product or service.
 - (3) When selecting contractors to provide products or perform services, the Government will use contractors who have a track record of successful past performance or who demonstrate a current superior ability to perform.
 - (4) The Government must not hesitate to communicate with the commercial sector as early as possible in the acquisition cycle to help the Government determine the capabilities available in the commercial marketplace. The Government will maximize its use of commercial products and services in meeting Government requirements.

(5) It is the policy of the System to promote competition in the acquisition process.

(6) The System must perform in a timely, high quality, and cost-effective manner.

(7) All members of the Team are required to employ planning as an integral part of the overall process of acquiring products or services. Although advance planning is required, each member of the Team must be flexible in order to accommodate changing or unforeseen mission needs. Planning is a tool for the accomplishment of tasks, and application of its discipline should be commensurate with the size and nature of a given task.

(b) Minimize administrative operating costs.

(1) In order to ensure that maximum efficiency is obtained, rules, regulations, and policies should be promulgated only when their benefits clearly exceed the costs of their development, implementation, administration, and enforcement. This applies to internal administrative processes, including reviews, and to rules and procedures applied to the contractor community.

(2) The System must provide uniformity where it contributes to efficiency or where fairness or predictability is essential. The System should also, however, encourage innovation, and local adaptation where uniformity is not essential.

(c) Conduct business with integrity, fairness, and openness.

(1) An essential consideration in every aspect of the System is maintaining the public's trust. Not only must the System have integrity, but the actions of each member of the Team must reflect integrity, fairness, and openness. The foundation of integrity within the System is a competent, experienced, and well-trained, professional workforce. Accordingly, each member of the Team is responsible and accountable for the wise use of public resources as well as acting in a manner which maintains the public's trust. Fairness and openness require open communication among team members, internal and external customers, and the public.

(2) To achieve efficient operations, the System must shift its focus from "risk avoidance" to one of "risk management." The cost to the taxpayer of attempting to eliminate all risk is prohibitive. The Executive Branch will accept and manage the risk associated with empowering local procurement officials to take independent action based on their professional judgment.

(d) Fulfill public policy objectives. The System must support the attainment of public policy goals adopted by the Congress and the President. In attaining these goals, and in its overall operations, the process shall ensure the efficient use of public resources.¹

Application of the above performance standards to the unique aspects of peace operations led to the following dimensions of efficient contingency contracting.

1. **Responsive Regulations and Procedures.** This dimension of efficient contingency contracting includes:

- a. Regulations and procedures adaptable to the unique aspects of peace operations.
- b. Regulations and procedures adaptable to participation by multiple DoD organizations.
- c. Ability to waive required regulations and procedures where the benefits gained exceeds any risks incurred.

2. **Maximum Quality and Timeliness of Support with Minimum Cost.** This dimension includes:

- a. Consideration and use of all available funding sources.
- b. Facilitation of maximum competition appropriate to the requirement and the contracting environment.
- c. Selection of the best value source for procurement.

3. **Completion of Mission with Minimum Administrative Burden.** This dimension includes:

- a. Minimum organization and procedures required to provide contracting support.
- b. Effective interaction with non-DoD and host nation organizations.
- c. Effective command and control of contingency contracting operations.

4. **Promotion of Unity of Effort.** This dimension includes:

- a. Prevention of redundant and excess procurements.
- b. Maximum coordination between participating contracting activities.

- c. Provision for uniform contingency contracting operations.
- d. Minimum competition for limited resources between contracting activities.

Selection of Previous Peace Operations

The selection of previous peace operations for analysis during this research was based on two primary criteria: the complexity of the contingency contracting effort; and the level of participation by DoD and non-DoD contracting activities. The complexity of the contingency contracting effort involved the legal environment, the requirement for unity of effort, the configuration of forces, and the conduct and mechanisms of support. The level of participation involved the extent the three levels of contingency contracting were used during the peace operation. These two levels are: joint contracting for materiel, supplies, and services for multiple DoD agencies, and DoD agency specific contingency contracting.

The secondary criterion used for selection of previous peace operations was the availability of sufficient official and unofficial data directly relevant to the contingency contracting effort. The primary sources used to obtain this data were the Joint Uniform Lessons Learned System (JULLS) and Center for Army Lessons Learned (CALL) data bases and Government Accounting Office (GAO) reports. The following previous peace operations were selected for analysis based on the above primary and secondary criteria.

Operation Restore Hope (Somalia). Operation Restore Hope involved humanitarian assistance, peace enforcement, and peace keeping operations. This operation was UN sanctioned, but not initially led by a UN organization. It included participation by U.S. Central Command (USCENTCOM), the U.S. Marines, Army, Air Force, COE, and the LOGCAP contractor along with numerous international armies and non-government organizations (NGOs). The contingency contracting effort involved all levels including a transition of the primary

contingency contracting effort at the end of the operation from DoD to the UN. Contingency contracting by DoD contracting activities was controlled by a joint element and required an extensive level of coordination and unity of effort.

Operation Support Hope (Rwanda). Operation Support Hope involved humanitarian assistance and peacekeeping operations. This operation was under UN sanction but not UN led. This operation included participation by U.S. European Command (USEUCOM), the Army, Air Force, COE, and the LOGCAP contractor along with non-governmental organizations (NGOs). The contingency contracting effort involved all levels through an Army contracting activity under the primary control of a joint logistics organization. This operation was of short duration and required rapid planning and establishment of contingency contracting support as well as a high degree of unity of effort between participating DoD agencies.

Operation Uphold Democracy (Haiti). Operation Uphold Democracy involved peace enforcement and peacekeeping operations. This operation was also under UN sanction but not UN led. It included participation by U.S. Atlantic Command (USACOM), the Army, Navy, Marines, Air Force, DCMDI, the LOGCAP contractor, and the Corps of Engineers (COE). The contingency contracting effort involved all levels through a joint contingency contracting organization. This effort required detailed planning, and extensive coordination between participating DoD agencies.

Operation Joint Endeavor (Bosnia-Herzegovina). Operation Joint Endeavor involves ongoing peace enforcement and peacekeeping operations. This operation is UN sanctioned and led. It includes participation by U.S. European Command (USEUCOM), the Army, Navy, Marines, Air Force, DCMDI, the LOGCAP contractor, and the Corps of Engineers (COE) along with multiple international armies and a UN organization. The contingency contracting effort involves all levels through a joint contingency contracting organization in conjunction with a

significant UN contracting effort. The contingency contracting effort is the most significant to date for both the complexity and level of contingency contracting and requirements for unity of effort between DoD and non-DoD agencies.

Summary

The methodology for the critical analysis of official and unofficial after action reports by DoD contracting activities during the four peace operations listed above was designed to answer the third and fourth subordinate questions of this thesis. Answers to these questions are essential for determining whether current contingency contracting doctrine, regulations, and procedures enabled efficient contingency contracting during peace operations. The next chapter contains the results of this analysis of contingency contracting by DoD contracting activities during Operations Restore Hope, Support Hope, Uphold Democracy, and Joint Endeavor.

¹U.S. Government, Federal Acquisition Regulation (Washington, DC: General Services Administration, 1996), Subpart 1.402, [CD-ROM] Defense Acquisition Deskbook Version 1.3 (WPAFB, OH: Defense Acquisition Deskbook Joint Program Office, 31 December 1996).

CHAPTER FOUR

ANALYSIS

Introduction

This chapter contains the analysis of contingency contracting by DoD contracting activities during Operation Restore Hope (Somalia), Operation Support Hope (Rwanda), Operation Uphold Democracy (Haiti), and Operation Joint Endeavor (Bosnia-Herzegovina). These peace operations were analyzed through detailed reviews of official and unofficial after action reports and results of government inspections discovered during this research. The after action reports used were those submitted by personnel directly involved in contingency contracting operations.

The analysis of each operation determined the organization and structure used to conduct contingency contracting, the level of involvement by DoD contracting activities, and the number and dimensions of documented inefficiencies with the contingency contracting effort. The dimensions defining efficient, and antithetically inefficient, contingency contracting during peace operations used during this analysis are those defined in the previous chapter.

Purpose

The purpose of the analysis conducted during this research was to answer the following subordinate research questions: What inefficiencies were evident in contingency contracting operations during previous peace operations?, and what were the causes of these inefficiencies?

The results of this analysis provided information necessary to determine if there is a valid requirement for joint doctrine, tactics, techniques, and procedures for contingency contracting during peace operations.

Findings

Analysis of official and unofficial documents pertaining to the above peace operations discovered significant numbers of documented inefficiencies with contingency contracting efforts. Incidents relating inefficiencies with contingency contracting operations were normally listed as after action observations in the relevant documents. These incidents did not always correlate to only one dimension of efficient contingency contracting. The corresponding discussions and recommendations provided in the documentation were used during this analysis to determine the dominant dimension for each incident of inefficient contingency contracting. Table 1 lists the number of incidents by their dominant dimension of inefficient contingency contracting found for the four peace operations used during this analysis.

The remaining chapter provides representative incidents of inefficiencies discovered during this analysis for each peace operation, and the major causes of these inefficiencies. The incidents listed below are representative of the dominant types of inefficiencies found for each operation. The primary causes these inefficiencies with contingency contracting are identified by the author's analysis of the observations in the context of the contingency contracting environment for each operation.

**Table 1. Incidents of Inefficient Contingency Contracting,
by Dimension**

	<u>Operation Restore Hope</u>	<u>Operation Support Hope</u>	<u>Operation Uphold Democracy</u>	<u>Operation Joint Endeavor</u>
Total number of documents reviewed	10	2	7	5
Total number of observations involving contingency contracting	37	18	36	45
Total number of incidents of inefficient contingency contracting by dimension (number/percent)	29	13	29	34
Responsive regulations and procedures	7 / 24%	3 / 23%	8 / 28%	8 / 24%
Maximum quality and timeliness of support at minimum cost	5 / 17%	5 / 39%	4 / 14%	6 / 18%
Completion of mission with minimum administrative burden	10 / 35%	2 / 15%	11 / 40%	13 / 38%
Promotion of unity of effort	7 / 24%	3 / 23%	6 / 21%	7 / 21%

NOTE: The intent of this table is to list the number of incidents of inefficient contingency contracting found by the author during this analysis. It is not intended to act as a comparison of the frequency of inefficient contingency contracting between the four peace operations. The number of incidents of inefficient contingency contracting listed in this table were determined by the author from the analysis of available documents concerning each peace operation. The degree of these available document differ for each operation. Differences are a result of the time frame of the operation, the number of participating DoD contracting activities, as well as reporting requirements within the participating commands.

The remaining chapter provides representative incidents of inefficiencies discovered during this analysis for each peace operation, and the major causes of these inefficiencies. The incidents listed below are representative of the dominant types of inefficiencies found for each

operation. The primary causes these inefficiencies with contingency contracting are those identified by the author's analysis.

Operation Restore Hope (Somalia)

Mission Overview

Operation Restore Hope (November 1992 through May 1993) began with the issue of a warning order by the Joint Chiefs of Staff to the U.S. Central Command (USCENTCOM) directing deployment of a Joint Task Force (JTF) with the mission to stabilize and secure the country of Somalia. The primary purpose for this operation was to protect and facilitate ongoing UN and international humanitarian relief operations. USCENTCOM formed the JTF under the command of the 1st Marine Expeditionary Force (MEF) with the 10th Mountain Division as the subordinate Army Force (ARFOR) along with forces from the Air Force and Navy to conduct Operation Restore Hope. The operation consisted of four phases:

Phase 1: Secure lodgment and establish ARFOR.

Phase 2: Expand security operations out to relief sites.

Phase 3: Expand security operations.

Phase 4: Transition to United Nations control.¹

Planning

The planning phase for this operation was extremely brief. The initial operations plan was built in 72 hours and based on an existing USCENTCOM plan. This planning was conducted primarily by the 1st MEF staff with individual augmentation from various organizations within the services. Initial planning for contingency contracting included the consolidation of all contingency contracting support during the operation under the JTF J4 (Logistics). Immediate contingency contracting support for supplies and services would be received from existing Navy

and Air Force contracting assets already in Somalia supporting humanitarian relief efforts.² Follow on contingency contracting support would be received from service contracting activities as they arrived in the area of responsibility (AOR).³

The initial plan assigned the Atlantic Division of the Naval Facilities Engineering Command (NAVFAC) as the construction contract agent for the operation. NAVFAC would utilize the U.S. Army LOGCAP contractor through the Army Corps of Engineers to provide base camp and life support in Somalia.⁴

Contingency Contracting Organization

The organization of the contingency contracting effort during Operation Restore Hope involved three phases.

Phase 1(November 1992-December 1993): Initial contingency contracting support was received from Navy and Air Force contracting elements already in country to support ongoing U.S. humanitarian relief operations. These contracting elements were under the operational control of USCENTCOM and operated independent of the JTF. The primary method of contracting support was through a Naval Ships Husbandry contract used during initial humanitarian relief operations. Requests for contingency contracting support were submitted to Navy contracting officers at the ports. Funding for all contracting was provided from USCENTCOM during this initial support.⁵ Contingency contracting during this phase was governed by peacetime contracting regulations with no automatic waivers associated with a declaration of a contingency by the Secretary of Defense.

Phase 2 (December 1992-January 1993): The JTF Directorate of Acquisition and Host Nation Support (hereafter referred to as the Directorate) took control over the existing contracting elements in theater on 15 December 1992, as well as coordination of support from

the LOGCAP contractor. The directorate was subordinate to the JTF J-4 with the responsibility for control of all contingency contracting efforts in the Area of Operations (AOR).⁶ The Directorate assigned area responsibilities to each of the service contracting activities in the AOR with the primary mission of supporting their own forces. These contracting activities were designated as (JFKOs).

The Marine JFKO was assigned as the lead agent for all contracting in Kenya. The Air Force JFKO was located at Moi International Airport in Somalia to support Air Force and humanitarian relief requirements. The Navy contracting element initially in theater was designated as a JFKO and remained at the main port in Somalia to provide support for Navy transport ships. An Army contracting element from 10th Mountain Division was attached to the Directorate in early January 1993 to assist Marine personnel in providing support to the 710th Provisional Boat Unit.⁷

Requests for contingency contracting support during phase two were processed through the Marine Force Service Support Group (FSSG) which was responsible for logistical support within the AOR during this phase. Requests went to the Directorate which determined approval of requirements through a CINC Acquisition and Contracting Board (CACB) made up of representatives from selected JTF staff elements. Requests for support through the LOGCAP contractor were processed by each service through the Directorate for approval. The Directorate relayed approved support requests to NAVFAC and Corps of Engineers (COE) representatives who then issued task orders to the LOGCAP contractor.⁸ Contingency contract administration of the LOGCAP contract was provided by the COE. Funding for contingency contracting and LOGCAP support during this phase was the responsibility of the requesting service.⁹

Phase 3 (January-May 1993): In late January 1993, responsibility for logistical support within the AOR was transferred from the Marines to the U.S. Army 13th Corps Support

Command designated as the Joint Logistics Support Command (JLSC). The Directorate became subordinate to the JLSC J4 with this transfer. The Army contracting element from 10th Mountain Division was designated as a JFKO with responsibility for support of ARFOR units.¹⁰

Requests for contingency contracting support during phase three were processed through the U.S. Army 4th Materiel Management Center under the JLSC to the Directorate. Requests for support through the LOGCAP contractor were processed by each service through the Directorate for approval. Funding for contingency contracting and LOGCAP support became the responsibility of ARFOR with this transition.¹¹

Contingency contracting during phase two and phase three were conducted under a declaration of contingency. This declaration raised the Simplified Acquisition Threshold from \$25,000 to \$100,000 within the AOR.

Level of Contingency Contracting Effort

Contingency contracting during Operation Restore Hope involved small purchases and formal contracts valued in excess of \$6 million, and approximately \$62 million executed through the LOGCAP contract. The analysis could not determine the approximate total number of contingency contracts executed during the operation.¹²

Incidents of Inefficient Contingency Contracting

Analysis of the contingency contracting effort during this operation was conducted using six official after action reports written by personnel involved in contingency contracting activities from the JTF, Marine, Army, Air Force, and Corps of Engineers, and four consolidated reports from the Center for Army Lessons Learned (CALL). These documents listed thirty-seven observations regarding contingency contracting. Of these, twenty-nine identified aspects of inefficient contingency contracting. The following quoted observations from these documents

represent significant incidents discovered during the analysis. They are presented by the primary dimension they effect. Analysis of their effects on contracting operations was based on the discussions and recommendations included with the observations.

1. Responsive Regulations and Procedures:

a. Observation:

Improved Contingency Contracting Procedures: The implementation of simplified contingency contracting procedures was essential to prompt support of U.S. forces operating in Somalia. Additional waivers to normal contracting procedures must be examined to enable more rapid and efficient support of forces operating in a contingency environment.¹³

Although automatic waivers to some FAR, DFARS, and service regulations were granted through declaration of a contingency, these regulations were not responsive to the contingency contracting effort during Operation Restore Hope. One example of inefficient contracting was the requirement for the Marine Contracting activity to request approval to award negotiated contracts over \$100,000 to the Marine Corps Head of the Contracting Activity (HCA) located at Headquarters, Marine Corps. This requirement caused delays in providing urgently required supplies awarded through 21 separate contracts.¹⁴ Other contract administration requirements placed unnecessary burdens on the contracting activities. Examples of these unnecessary requirement stated in the after action reports included filing peacetime administrative reports to higher headquarters not involved in the operation, maintaining bid boards and other mechanisms unused by local contractors, and use of service specific forms.

b. Observation:

Value Added Tax (VAT):

- 1). The U.S. Government was exempt from VAT, taxes, fees and licenses, etc., through an agreement signed between the U.S. Government and the Government of Kenya in 1981. This document was classified CONFIDENTIAL.
- 2). Due to the fact that the representatives of the U.S. Military could not show this document to Kenya nationals; many hotels and other establishments continued to charge VAT on all procurements. The exact dollar amount of VAT is estimated at \$339,238.18, on 18% VAT applied to the minimum dollar amount charged for billeting

by the JTF Headquarters element. Total VAT may exceed \$1,000,000 when the air component is added.¹⁵

There were no procedures in place at the beginning of Operation Restore Hope which gave contingency contracting officers usable documentation supporting international agreements allowing local tax relief to provide to local contractors. The applicable contracting regulations used during Operation Restore Hope required contracting officers to obtain all applicable exemptions to contract charges including those in international agreement. This lack of procedures not only cost the government in both time and additional funds, it also put the contracting officer at risk by obligating funds in excess of existing international agreements. The contracting activity referred this problem to the American embassy in Nairobi, Kenya, with no resolution until late in the operation.¹⁶

2. Maximum Quality and Timeliness of Support with Minimum Cost:

a. Observation:

The LOGCAP contractor provided myriad services and supplies to augment theater CSS assets, including water, well digging, laundry, power generation, portalets, cranes, and port support for Coalition forces. Contractor support was adequate; however, since almost everything had to be flown in, the support was very expensive. Further, the nature of the LOGCAP contract...gives no indication of the costs to the government until weeks or months later. As a result, economically based logistics are clouded.¹⁷

The initial LOGCAP contract modification for support in Somalia contained no prices, and the nature of the contract prevented a determination of the exact costs for a task order until after performance was completed.¹⁸ This prevented the contracting activities from determining the total costs of LOGCAP contractor support as compared to the Naval Ships Husbandry contract, commercial sources in country, commercial sources in the AOR (Kenya), or other U.S. commercial sources. Use of the LOGCAP contract without sufficient initial price data price prevented effective determination of the best value source (LOGCAP versus local source) for contingency contracting.

b. Observation:

There was no single DoD organization/point of contact designated as the funding agent to obtain and consolidate LOGCAP funds from participating U.S. services. The funding flow from each service utilizing LOGCAP was erratic, last minute, and unreliable. LOGCAP contract administrators had to search out each services resources manager to obtain funds to expedite in-country LOGCAP support requested for that service.¹⁹

The lack of a consolidated process for obtaining and assigning funding to LOGCAP work requests approved by the JTF CACB added a large burden to the process of receiving support from the LOGCAP contractor. This burden led to inefficiencies in the timeliness of support through LOGCAP. It also contributed to increased costs for this support. Individual funding for LOGCAP support by each service prevented the overall effort from benefiting from price discounts and other efficiencies available with consolidated contract orders.²⁰

3. Completion of Mission with Minimum Administrative Burden:

a. Observation:

Real Estate management during Operation Restore Hope was conducted on a “first come, first served” basis which frequently caused conflict and forced compromise solutions. As units deployed into Somalia, acquisition of real estate was not planned or coordinated through a central agency. There was not a clear understanding of real estate requirements, or availability of real estate prior to the deployment. There was not a central point of contact at the joint staff level until the (JTF) J4 arrived in theater. There were no real estate (contracting) teams or sections deployed in theater.²¹

The lack of a central organization for, and the command and control of, initial contingency contracting for real estate during the operation caused conflicts between units and between the services. This included real estate used by the JTF and other services headquarters, as well as critical real estate on airports and seaports. The unavailability of Contingency Real Estate Support Teams (CREST) from the COE during this initial stage increased the administrative burden on the requiring units and failed to utilize professionals trained in contingency contracting for real estate.

b. Observation:

Legal Support: Legal support required by Marine contracting regulations was initially provided to the Marine contingency contracting activity by a CENTCOM lawyer in theater supporting humanitarian assistance operations. This representative left the AOR on 26 January 1993. After that date, legal support for the Marine contracting activity was provided from the JTF legal section through assistance visits. This support was only provided on two occasions. Support was often unavailable when required. Contracting support by the Marine contracting activity was not interrupted for lack of legal counsel. When necessary, legal counsel was sought after contract award. This was an unacceptable procedure to the JTF lawyer who conducted the assistance visits. This lawyer declined to review after the fact actions.²²

The failure to provide sufficient legal support to the JFKOs was due primarily to ineffective initial planning for the support functions and requirements of the JFKO contracting operations.

4. Promotion of Unity of Effort:

a. Observation:

Contingency contracting/Logistics Civil Augmentation Program (LOGCAP) in Somalia was not adequately controlled/coordinated between the Services. Although contingency contracting requirements were satisfied in Somalia, action needs to be implemented which will provide the CINCs with contracting authority. Each individual service contracted for their requirements within their existing stovepipe contracting procedure/authority which they receive from their Service Secretary. Inter-service coordination and support was rarely accomplished.²³

Even though the DoD contracting activities participating in Operation Restore Hope worked under the Directorate, their authority to contract came from their separate agency Head of the Contracting Activities (HCA) governed by their agency's procedures. Contracting officers in the theater were issued warrants from their individual service. This led to non-uniform contingency contracting operations and a level of confusion which prevented maximum unity of effort.²⁴

b. Observation:

During Operation Restore Hope a variety of commercial communications equipment was either purchased or leased to augment military systems and compensate for the

absence of host-nation facilities. Commercial communications companies provided multi-channel satellite service under contract to augment (military) systems between Somalia and CONUS. Both the JTF and ARFOR contracted separately for these commercial systems and had them delivered in country with personnel to install and maintain them.²⁵

Both the JTF and ARFOR independently contracted for this commercial communications through the contracting activities in CONUS for requirements within the AOR. This failure to coordinate requirements resulted in the redundant purchase of this communication equipment. This prevented possible savings through a consolidated purchase and also caused duplicate contract administration requirements.

Operation Support Hope (Rwanda)

Mission Overview:

Operation Support Hope (July through September 1994) was initiated by a Presidential Directive directing U.S. forces to assist in the refugee crises that arose from the civil war in Rwanda. In response, the U.S. European Command (USEUCOM) was tasked to deploy a JTF to the Central African region to conduct peace operations in conjunction with humanitarian relief operations by the UN and non-government organizations (NGOs). USEUCOM gave the operational mission to the U.S. Army Europe (USAREUR). The Commander in Chief (CINC), USAREUR responded by deploying a JTF consisting of Army, Navy, Marine, and Air Force elements to conduct Operation Support Hope. The operation consisted of five phases:

Phase 1: Stabilize the refugee situation in Goma, Zaire.

Phase 2: Assist in moving refugees back to Rwanda.

Phase 3: Stabilize the refugee situation and begin reconstruction in Rwanda.

Phase 4: Turn over operations to the UN and other non-government organizations.

Phase 5: Protect, support, and re-deploy the JTF force.²⁶

Planning

Planning for this JTF operation was conducted by the USAREUR staff from 23 to 28 July 1994. This consisted primarily of building on existing USAREUR organizations and procedures, and integrating other services into the operation. Initial planning requirements included contingency contracting for supplies, and services from host nation commercial sources, and base camp and life support through the Army LOGCAP contract.²⁷ The U.S. Army Contracting Command, Europe (USACCE) participated in this initial planning and was responsible for planning the contingency contracting effort in conjunction with the USAREUR J4, Logistics.²⁸

Contingency Contracting Organization

Contingency contracting support was organized around a JTF contracting organization under the control of USACCE. This organization was assigned under the JTF J4, with final approval authority for contracting requirements resting with the JTF Chief of Staff. The contingency contracting effort was divided into a forward cell in Entebbe, Uganda consisting of one contracting officer with finance and legal support, and a rear cell in Germany. The rear cell was staffed by contracting personnel from USACCE and augmented by contracting officers from Army and Air Force units in Germany.²⁹

Command and control of contingency contracting operations, control of funds, and primary legal support was out of the rear cell. The Secretary of Defense did not issue a directive identifying this operation as a contingency. Because of this, only standard peacetime regulations/procedures directed in the FAR, DFARS, and service supplements were used during this operation.³⁰

DoD contracting activities which participated in this operation were the USACCE, the Army Special Operations Command, the Army Corps of Engineers (COE) as the LOGCAP contract administrator, and the Air Force Tanker Air-Lift Control Element (TALCE). Contingency contracting support was also provided from the LOGCAP contractor.³¹

Level of Contingency Contracting Effort

Contingency contracting during Operation Support Hope involved over 200 contracts for approximately \$3 million executed by JTF contracting, and approximately \$6.3 million executed through the LOGCAP contract.³²

Incidents of Inefficient Contingency Contracting

Analysis of the contingency contracting effort during this operation was based on one official after action report released by USACCE, and one unofficial information paper written by the forward contracting officer during the operation. These documents listed eighteen observations regarding contingency contracting. Of these, thirteen identified levels of inefficient contingency contracting. The following quoted observations from these documents represent significant incidents of inefficient contingency contracting operations discovered during the analysis. They are presented by the primary dimension they effect. Analysis of their effects on contracting operations is based on the discussions and recommendations included with the observations.

1. Responsive Regulations and Procedures:

a. Observation:

The deployment to central Africa was governed by the same procurement rules as home station operations in CONUS and Europe.³³

Use of existing FAR, DFARS, and service supplements without a declaration of contingency led to inefficient contingency contracting operations. Primary examples of these inefficiencies were: difficulties in meeting all peacetime requirements for contracts in excess of the current simplified acquisition threshold (\$25,000) when contracting with other than U.S. commercial sources, and additional workload requirements for contracting activities due to peacetime restrictions on use of Standard Form (SF) 44, Purchase Order, Invoice, Voucher.

b. Observation:

Even though the three services are bound by the same Federal Acquisition Regulation in the procurement of goods and services, each service has its own set of operating standards for the implementation of FAR procedures.³⁴

Differences between service contracting regulations initially brought into question whether Air Force contracting officers could obligate Army funds with contracts written to Air Force regulations. Regulatory differences also caused additional coordination between service contracting activities to validate the format and legality of unfamiliar procedures.

2. Maximum Quality and Timeliness of Support with Minimum Cost:

a. Observation:

The most heavily anticipated and warmly received member of the early JTF staff was the comptroller due to the need for a valid fund cite. Yet neither the comptroller nor any of his staff ever deployed forward of the JTF Rear in Germany.³⁵

The lack of a comptroller in the vicinity of the forward contracting activity placed the requirement to certify proper fund cites on the contracting officer. This led to inefficient use of all available funding as well as delays in contracting support caused by the additional workload. The comptroller receives training on the various funding sources available during contingency missions, and is the JTF office which receives funding guidance and availability.

b. Observation:

When shortages were discovered during pre-deployment, the first reaction was to direct the contracting cell to buy the necessary item without prior coordination with the Headquarters Commandant or the Area Support Group or home supply system.³⁶

The forward and rear contracting cell organization coupled with most support elements located in the rear prevented the forward contracting officer from validating that requirements could be met through existing service supply systems in a timely manner. This inability to validate that a shortage could be met through existing supply stocks before procurement increased both the cost to the government and the time required to obtain the shortage item.

3. Completion of Mission with Minimum Administrative Burden:

a. Observation:

There was no Contracting Officer deployed with the assessment team on its initial mission into Central Africa.³⁷

Failure to deploy a contracting officer during the initial deployment caused a one month delay in support by the JTF contracting cell for advance elements. This occurred during the time when organic support was at a minimum. Limited unplanned support was available from Air Force contracting elements working independently of the JTF. Failure to deploy contracting elements early caused ineffective control of the overall contingency contracting operation.

b. Observation:

There seemed to be misinformation and disinformation regarding the scope and capabilities of the Logistics Civil Augmentation Program (LOGCAP) contract and Brown & Root, the LOGCAP contractor, throughout the life cycle of the Joint task Force operation.³⁸

There was confusion over the scope and level of base operations support the LOGCAP contract provided within the DoD elements participating under the JTF. This confusion was caused primarily by a lack of initial organization and control of the LOGCAP effort. This led to a disjointed contracting and contract administration effort when using the LOGCAP contractor.

4. Promotion of Unity of Effort:

Observation:

There were more local purchase assets in the theater of operations than were initially known.³⁹

Although the JTF Contracting Cell was assigned responsibility for controlling the overall contingency contracting effort, the cell was not aware of contracting elements operating in the area from the TALCE, and the Army Joint Special Operations Task Force (JSOTF). These additional elements were in place to support their organic organizations. The independent operations between these contracting activities led to unnecessary competition within DoD for limited resources, redundant and excess procurements, and inappropriate obligation of operational funds. An example of the latter was the duplicate purchase of commercial telephone lines by the JTF and JSOTF contracting activities using operational funds instead of funds for this specific purpose from the Defense Commercial Communications Office-Europe.⁴⁰

Operation Uphold Democracy (Haiti)

Mission Overview

Operation Uphold Democracy (September 1994-May 1995) was a one of a series of multi-national operations conducted by the U.S. Atlantic Command (USACOM) under UN resolutions in response to the civil and governmental crisis in Haiti. This operation was a U.S. led multinational operation to secure the country of Haiti and facilitate transfer of power from a dictatorial government to a democratically elected government. USACOM formed two Joint Task Forces (JTF-180 and JTF-190) to conduct Operation Uphold Democracy. JTF-180, under the command of the Army 18th Airborne Corps, was composed of the 82nd Airborne Division as the ARFOR, with Air Force, Marine, and Navy elements. The primary mission of JTF-180 was to conduct a forced entry to secure lodgment in Haiti. JTF-190, under the command of the Army

10th Mountain Division as the ARFOR, included Air Force and Navy elements. The primary mission of JTF-190 was to conduct a semi-permissive entry into Haiti.

Operation Uphold Democracy consisted of three phases:

Phase 1 (September 1994-October 1995): Deployment of JTF-180 and JTF-190 to secure lodgment and stabilize the country. JTF-190 was under the operational control of the Commander, JTF-180 during this phase.

Phase 2 (October 1994-March 1995): Establish a Combined Joint Task Force under the command of JTF-190 to maintain law and order and facilitate transfer of governmental control. During this phase, JTF-180 forces re-deployed to the U.S., and the 25th Infantry Division replaced the 82nd Airborne Division as the JTF-190 ARFOR.

Phase 3 (March-April 1995): Transition to United Nations control.⁴¹

Planning

Extensive planning was conducted by USACOM and FORSCOM staffs. Plans for logistical support were based on the deployment of the 1st Corps Support Command (COSCOM) from the 18th Airborne Corps. The 1st COSCOM formed a Joint Logistics Support Command (JLSC) in Haiti to provide support to deployed U.S. forces throughout the operation. Planning for Operation Uphold Democracy included contingency contracting support from the 18th Airborne Corps through a deployed contingency contracting element in the AOR and through the rear element in CONUS for supplies and services required by U.S. units in theater.⁴² Planning also included support for base camp and construction support from the Army LOGCAP contractor.

Contingency Contracting Organization

The organization of the contingency contracting effort during Operation Uphold Democracy consisted of a combined JTF contracting team under the operational control of JLSC J-4. The team entered into Haiti with JTF-180 and remained throughout the operation. The combined contracting team was composed of the 1st COSCOM contracting section augmented with contracting officers from Army, Air Force, and Navy units under the control of the FORSCOM Principle Assistant Responsible for Contracting (PARC) located in CONUS. The contracting team operated under FAR, DFARS, and service supplements, as well as a Field Standard Operations Procedure published by the 18th Airborne Corps contracting office.⁴³

The combined contracting team was responsible for contracting for supplies and services, except LOGCAP, required by U.S. units which were unavailable from supply systems controlled by the JLSC. Contracting for LOGCAP and real estate support was controlled by the COE under the Combined JTF engineer section. Contingency contract administration for the LOGCAP contractor was provided effective January 1995 by representatives from DCMDI.

Services participating in the operation requested contingency contracting support through their unit's logistics system to the Combined JTF J-4. Each request was reviewed by a CINC Acquisition and Contracting Board (CACB) and passed to the contingency contracting team if the requirement was unavailable in service supply systems. Services requested real estate and LOGCAP contract support through their command channels to the Combined JTF engineer section. Contingency contracting by U.S. contracting officers was conducted under peacetime acquisition laws with some automatic waivers authorized by a declaration of contingency. The most important of these was an increase of the simplified acquisition threshold to \$200,000.⁴⁴

Level of Contingency Contracting Effort

Contingency contracting during Operation Uphold Democracy involved over 200 small purchases and formal contracts valued in excess of \$5 million, and approximately \$133 million executed through the LOGCAP contract.⁴⁵

Incidents of Inefficient Contingency Contracting

Analysis of the contingency contracting effort during this operation was conducted using six official after action reports written by personnel involved in contingency contracting activities from the JTF, Army, Navy, Air Force, and Corps of Engineers, and one consolidated report from the Center for Army Lessons Learned (CALL). These documents listed thirty-six observations regarding contingency contracting. Of these, twenty-nine identified aspects of inefficient contingency contracting. The following quoted observations from these documents represent significant incidents discovered during the analysis. They are presented by the primary dimension they effect. Analysis of their effects on contracting operations was based on the discussions and recommendations included with the observations.

1. Responsive Regulations and Procedures:

a. Observation:

The FORSCOM PARC decided that the Navy contracting officers augmenting the JTF would use their Navy (contracting) warrants and (Procurement Instrument Identification Numbers) PIINs. This created needless reporting and information management problems for the consolidated contracting section. AFARS Manual Number two states that contingency contracting personnel will deploy with PIINs from their home installation Directorate of Contracting.⁴⁶

The requirement for each contracting officer to utilize PIINs from their individual commands was a requirement listed in AFARS Supplement Manual Number Two, Contingency Contracting, for Army contingency contracting operations. This requirement added an additional reporting and monitoring requirement for contracts

awarded by augmented contracting officers from the other services. It also added an additional step in approval for contracts awarded without full and open competition.

The Navy contracting officers were required to process these approvals through their Navy HCA when using Navy PIINs.⁴⁷

b. Observation:

Contracting officers made advance payments to (host nation) contractors in violation of FAR 32.402 (c) and 32.402 (e). Initial operations in Haiti required advance payments to contractors. This was due primarily to the unavailability of loans from banks, lack of materials due to the embargo, and most businesses demanding cash up front before any item was ordered. These requirements and the cited FAR reference are incompatible, and place the contracting officer in a no win situation. The contracting officer cannot advance pay a contractor to obtain the required supplies/materials and the unit fails the mission due to a lack of materials.⁴⁸

The situation in Haiti during this operation prevented host nation contractors from obtaining funds to procure the raw materials and supplies required by U.S. forces without an advance payment. Contracting officers operating during Operation Uphold Democracy were governed by the FAR, DFARS, and service supplements with only limited automatic waivers resulting from the declaration of contingency. The FAR and DFARS provisions for waivers for advance payments required prior approval from the contracting officers controlling HCA. This requirement, coupled with the location of the controlling HCAs in CONUS, made it impossible to process waivers before the requirement was needed. The result was unauthorized advance payments by contracting officers to preclude potential mission failures. ⁴⁹

2. Maximum Quality and Timeliness of Support with Minimum Cost:

Observation:

Combined JTF elements had requirements for contract support before their direct support units were deployed and operational. Immediately upon deployment, combined JTF units had requirements for commercially available supplies. Support units deployed after the tactical units and control headquarters. ⁵⁰

This delay in arrival of direct support units was primarily due to mission requirements. The lack of direct support units during the initial operation prevented the contracting officers from coordinating timely delivery of contracted supplies and hindered reports from the requiring activities that procured supplies and services were delivered and met the required quality. The problems with receipt and quality control of contracted materials these delays caused were not thoroughly planned for by either the requiring units or the combined JTF J4.

3. Completion of Mission with Minimum Administrative Burden:

a. Observation:

USACOM and FORSCOM provided little guidance for theater contracting. No contracting annex was included in the USACOM plan, and no contingency contracting support plan or contracting guidance was published by FORSCOM for this mission. Guidance provided by the FORSCOM PARC in response to our inquiries was general in nature, with the PARC indicating that our primary function was envisioned as a liaison between deployed elements and the Ft. Bragg Directorate of Contracting, where (the director) envisioned most of the contracting taking place.⁵¹

The primary cause for this lack of an initial contingency contracting support plan was the failure to conduct an initial planning conference with the contracting activities which participated in the operation. The lack of an established contingency contracting process in the initial operation plan for JTF 180 added a unnecessary administrative burden on the initial contracting effort. The contracting office deployed during the initial effort had to establish procedures after arrival in the AOR with the JTF staff and requiring activities for contracting support. This resulted in units deployed units assuming contingency contracting support for their deployment which was not initially available.⁵²

b. Observation:

JTF-180 did not have an access control plan for local national contractor personnel to enter U.S. Force areas. Commanders in Haiti required various services, such as portalet cleaning and trash removal, yet no consistent system was developed for nearly a month which allowed the contractors access to U.S. areas to do their jobs. Lack of access procedures delayed contractor performance to the detriment of our soldiers, and

required contracting officers to spend an inordinate amount of time coordinating access badges for seven different sites.⁵³

The lack of an initial plan for host nation contractor access caused inefficiencies in the completion of the contingency contracting mission and added an additional burden on the contracting officers. This lack of access, coupled with restrictions on U.S. forces movements, also added an additional burden for soliciting local commercial sources for requirements on the contracting officers.⁵⁴

4. Promotion of Unity of Effort:

Observation:

JTF-180 did not conduct a logistics planning conference involving all participating units, either prior to or after deployment. Exhaustive planning took place over several months on several contingency plans for operations in Haiti. As these plans evolved, logistics planning took place between various participating units. JTF-180 did not, however, host a logistics planning conference for all participating units.⁵⁵

Most initial planning for Operation Uphold Democracy was conducted by the USACOM and FORSCOM operations staff with minimal input from any other staff elements. This was primarily due to the security classification of the plans, and the relatively short planning time. When logistical planning was conducted, none of the major contracting organizations were included in the process. The result was a failure to optimize all available contracting assets within the AOR and plan for uniform contingency contracting operations and processes for receiving contingency contracting support. This led to a disjointed unity of effort between the services (one Air Force contracting element operated independently of the combined contracting cell), and redundant purchases.⁵⁶

Operation Joint Endeavor (Bosnia-Herzegovina)

Mission Overview

Operation Joint Endeavor (December 1995 through Present) began with the issue of a order by the Joint Chiefs of Staff to the U.S. European Command (USEUCOM) directing deployment of a Joint Task Force (JTF) to the former republic of Yugoslavia with the mission to conduct peace enforcement and peacekeeping operations under the authority of the UN. USEUCOM assigned this mission to the U.S. Army Europe (USAREUR). The primary purpose for this operation was to establish a zone of separation between the former warring factions of the Balkan conflict, and facilitate implementation of the articles of agreement contained in the Dayton Peace Accords.

USAREUR formed Task Force Eagle composed of the 1st Armored Division (ARFOR), along with forces from the Air Force, Navy, and Marine Corps to conduct Operation Joint Endeavor. The operation consisted of four major phases:

- Phase 1: Deployment and occupation of JTF Eagle sector in Bosnia-Herzegovina.
- Phase 2: Establish and secure the zone of separation.
- Phase 3: Enforce disarmament of former warring factions.
- Phase 4: Monitor and facilitate implementation of articles contained in the Dayton Peace Accords.

Planning

Planning for Operation Joint Endeavor was conducted from September 1995 through the initiation of the mission in December 1995. Detailed planning was conducted by the USEUCOM and USAREUR staffs with the participation of the ARFOR and other services. The initial planning for contingency contracting and host nation support was conducted by the

USAREUR staff in conjunction with North Atlantic Treaty Organization (NATO) contracting elements and the U.S. Army Contracting Command, Europe (USACCE).

The plan for initial U.S. contingency contracting support required each participating service involved in early operations to receive support from NATO contracting offices and host nation assets under international agreements, and to conduct contingency contracting only as necessary for U.S. specific needs. U.S. contingency contracting transitioned to centralized control by USAREUR as soon as sufficient contracting support was in the AOR. Contingency contracting was provided by a joint contracting organization. Planning for contingency contracting included extensive use of the LOGCAP contractor throughout the operation for base camp construction and life support.

Contingency Contracting Organization

The organization of the contingency contracting effort during Operation Joint Endeavor involved two phases.

Phase 1 (November 1995-January 1996): Initial contingency contracting support during deployment was conducted by each service contracting activity only as necessary above support available through an acquisition agreement with the Government of Hungary negotiated on 4 December 1995. Contracting activities during this phase were under the control of their individual service, with a requirement to coordinate with USAREUR forward elements for large requirements. DoD contracting activities which participated in the initial phase of Operation Joint Endeavor included USACCE, Air Force, Navy, COE, and Defense Contract Management District International (DCMDI) elements. Contingency contracting during this phase was governed by peacetime contracting regulations until a declaration of contingency was issued on 22 December 1995.⁵⁷

Phase 2 (January 1996-Current): On 22 January 1996, USEUCOM designated U.S. Army Europe (USAREUR) as the executive agent for all U.S. contracting in the AOR. USAREUR designated the Commander, USACCE (Forward) as the Principal Assistant Responsible for Contracting (PARC) located in Hungary to provide command, control, and coordination of U.S. contracting activities in the AOR except for LOGCAP support. The USACCE (Forward) PARC was subordinate to the USAREUR (Forward) Chief of Staff.⁵⁸

The USACCE (Forward) PARC was assigned the responsibility for control of all U.S. contingency contracting efforts in the AOR except for LOGCAP and real estate contracting, and coordination with the Government of Hungary and the NATO Theater Contracting Coordination Center for common multi-national support requirements. USACCE (Forward) organized Joint Contracting Cells (JCCs) in Croatia, Hungary, and Bosnia-Herzegovina to provide contingency contracting support to all U.S. forces within their geographic region. These JCCs were staffed by contracting officers augmented from the services.⁵⁹ LOGCAP contract support was controlled by the USAREUR (Forward) engineer staff element in conjunction with COE and contingency contract administration teams from DCMDI. Real Estate contracting support was also controlled by the USAREUR (Forward) engineer staff element through attached Contingency Real Estate Support Teams (CREST).⁶⁰

Requests for contingency contracting support during phase two were processed by each service through the local general officer in their area to the regional JCC. These requests were evaluated by a Joint Acquisition Review Board (JARB) and passed to the JCCs if approved. Requests for LOGCAP and real estate contract support were submitted by each service through the local DCMDI contract administrator, or CREST team, to the USAREUR (Forward) engineer staff element. Funding for contingency contracting support was the responsibility of the requesting service. Funding for LOGCAP and real estate support was provided through

centralized Army fund cites specific for these purposes. Contingency contracting was conducted under a declaration of contingency retroactive to 4 December 1995. This declaration raised the Simplified Acquisition Threshold to \$200,00 within the AOR.⁶¹

Level of Contingency Contracting Effort

Operation Restore Hope is on-going. Contingency contracting actions as of December 1995 are estimated in excess of \$7 million for small purchases and formal contracts, and approximately \$461 million executed through the LOGCAP contract.⁶²

Incidents of Inefficient Contingency Contracting

Analysis of the contingency contracting effort during this operation was conducted using five official after action reports containing comments by personnel involved in contingency contracting activities from USEUCOM, USACCE, Air Force, Corps of Engineers, NATO, and DCMDI. This analysis also used one audit report conducted by the U.S. Army Audit Agency, and two feeder reports from the Center for Army Lessons Learned (CALL).

These documents listed forty-five observations regarding contingency contracting. Of these, thirty-four identified aspects of inefficient contingency contracting. The following quoted observations from these documents represent significant incidents discovered during the analysis. They are presented by the primary dimension they effect. Analysis of their effects on contracting operations was based on the discussions and recommendations included with the observations.

1. Responsive Regulations and Procedures:

a. Observation:

There was a lack of common procedures and techniques for joint and/or multi-national contracting operations. The JCCs established in theater were augmented by contracting officers from all U.S. services, and responded to U.S. peculiar contracting needs using

contracting procedures as set forth in the FAR and its service supplements. Although all services follow FAR regulations, the application of these regulations differ from service to service.⁶³

The lack of common procedures caused a great deal of initial confusion among service contracting officers working together within the JCCs. This was compounded by the fact that contracting officers from other than the Army were still under the administrative control of their own services and were governed by their service FAR supplements until they received authorization to use Army FAR Supplement (AFARS) procedures. The lack of common DoD agency regulations and procedures was identified during a joint service contingency contracting workshop as a primary lesson learned.⁶⁴

b. Observation:

Contracting to support the initial deployment into the AOR was degraded by a Government debate whether to declare the operation a contingency. This degradation was a result of FAR and DFARS peacetime requirements governing contracting officers during the deployment. By the time contracting officers had the ability to enter into contracts at higher simplified acquisition thresholds, many units felt they were unresponsive.⁶⁵

Changes in the Simplified Acquisition Threshold and other automatic waivers to FAR and DFARS regulations and procedures which resulted from a declaration of contingency were not available during the initial contingency contracting effort. This led to a degradation of contracting support for critical supplies and services required by deploying forces which were unavailable from through the host nation and LOGCAP contractor.

2. Maximum Quality and Timeliness of Support with Minimum Cost:

a. Observation:

The JCCs' mission is to satisfy high priority (U.S.) requisitions by contracting with local suppliers. This is the most efficient acquisition method when parts are available in theater. A problem arises when items are not in stock at the local supply source. Delivery time and acquisition cost may exceed that of the same item acquired through the DoD supply pipeline.⁶⁶

Requests for contract support were submitted to JCC contracting officers when requiring activities needed high priority supplies not immediately available in the DoD supply system.

The approval processes for these requests were not standardized throughout the requiring activities, and usually did not involve coordination with the JCC to determine the availability of the supplies from local contractors. This led to numerous requisitions for equipment repair parts and other supplies from commercial sources which took longer to complete than any delays in availability through the Army supply system.⁶⁷

b. Observation:

For Operation Joint Endeavor, U.S. Army Europe established an effective process for approving new requirements for (LOGCAP) support services. However, command didn't initially implement procedures for evaluating (LOGCAP) services already being furnished or other possible alternatives to (LOGCAP) support. Our review showed that if the U.S. Army Europe implemented these procedures more promptly, it would have reduced overall costs associated with (LOGCAP) support for this operation by at least \$12.7 million.⁶⁸

USACCE (Forward) established a Joint Acquisition Review Board (a version of the CLPSB) to determine the best value source for new requirements. This board included representatives from the USAREUR (Forward) engineer, COE, and DCMDI among others. This process did not contain procedures for periodically reevaluating existing contract requirements. Once contract requirements were awarded to the LOGCAP contractor, they continued despite the availability of better value sources. An example was transportation of supplies into the AOR by the LOGCAP contractor. As the operation progressed, military transportation units became available. Replacing the LOGCAP contract transportation effort with these military transportation units would have saved approximately \$3.5 million over an eight month period.⁶⁹

3. Completion of Mission with Minimum Administrative Burden:

a. Observation:

There was no pre-deployment host nation preparation and very little formal host nation action after the deployment began. Consequently, there were no NATO Mutual Support

Act (NMSA) agreements or Implementing Agreements (IAs), other than a general acquisition agreement with Hungary, that detailed what host nation governments in the AOR could provide. With out these agreements, the JCCs had little or no knowledge of what was available in country or host nation laws and regulations. The Dayton Peace Accord was the only document available which outlined host nation procedures, such as tax relief, but it only spoke of requirements for Croatia, Serbia, and Bosnia-Herzegovina. When USEUCOM and USAREUR negotiators began negotiating international agreements, they in general had little background in contract law and did not protect U.S. Government contracting interests.⁷⁰

The lack of negotiated international agreements prevented the JCC contracting officers from determining all available sources for contract requirements. It also resulted in additional costs the U.S. through payment of additional taxes and fees to host nation commercial contractors which were later exempt.

b. Observation:

The multi-layered (contracting) command and control structure resulting from having various forward support (contracting) elements in Hungary and Croatia, in addition to the task force (contracting) support element in Bosnia-Herzegovina, created some confusion within the command as to who was in charge of (LOGCAP) contractor operations. Contracting personnel told us that the lack of a clear command and control structure in the early stages of the operation resulted in the (LOGCAP) contractor receiving some conflicting instructions regarding command's construction and support requirements.⁷¹

Separate command and control structures existed for contingency contracting for U.S. requirements, host nation support, and contracting with the LOGCAP contractor created confusion for the requiring activities within the AOR. Services constantly submitted requirements to the wrong contracting organization, causing unnecessary delays in providing contract support. This was exacerbated by a later transfer of all contract administration for the LOGCAP contract from the COE to DCMDI.

4. Promotion of Unity of Effort:

a. Observation:

Many contracting activities assembled in early November 1995 to develop a common plan to best use contracting assets. This effort yielded no written support agreements other than a general mission analysis and that USACCE would have the contracting lead.

USEUCOM and USAREUR later published directives appointing USACCE as the executive agency for contracting. During the operation, additional service contracting activities were deployed into the AOR and operated independently of USACCE. Other service contracting activities virtually ignored directives consolidating contracting efforts.⁷²

During the initial deployment, services deployed contracting officers with their organic construction units who did not coordinate or consolidate contracting efforts with the JCCs. Examples of these were Air Force contracting officers deployed with RED HORSE and PRIME BEEF construction squadrons, and Navy contracting officers deployed with SEABEE construction units. These contracting officers purchased supplies and services in support of their organic construction units without coordination with the JCC or the LOGCAP contract administrator. This led to redundant purchase of supplies as well as inefficient consolidation of requirements.⁷³

b. Observation

Contract managers from (LOGCAP) and the Task Force Eagle JCC operated independent of each other and occasionally competed for scarce resources.⁷⁴

Civilian contract managers for the LOGCAP contractor were not integrated into the JCC command and control structure. Both organizations purchased like supplies and services from commercial contractors in their areas. This led to competition for limited supplies between the LOGCAP contractor and the JCCs as well as purchases of similar supplies and services at different prices.

Summary

The analysis of Operations Restore Hope, Support Hope, Uphold Democracy, and Joint Endeavor found a large number of documented inefficiencies with contingency contracting operations. This analysis answered the subordinate research question: What inefficiencies were evident in contingency contracting operations during previous peace operations? A

representative sample of the causes of inefficient contingency contracting during each operation were presented in the sample observations. A complete identification of every cause resulting in an incident of inefficient contingency contracting was not possible due to the nature and complexity of the operations.

The analysis presented in this chapter also provided an answer the subordinate research question: what were the causes of these inefficiencies? It was possible from this analysis to establish four major categories for the causes of inefficient contingency contracting. These categories are: regulations and procedures which do not facilitate contracting for supplies and services in environments representative of peace operations, incomplete and/or ineffective planning for contingency contracting involving all DoD contracting activities participating in the operation, unnecessary and complex organizations for requesting and completing contingency contracting, and failure by all DoD contracting activities to coordinate and consolidate their contingency contracting efforts.

The next chapter contains a review of emerging contingency contracting doctrine, tactics, techniques, and procedures to determine if they will provide viable solutions to the causes of inefficient contingency contracting discovered by the above analysis. This review will be followed by the author's conclusions for the subordinate research questions, his conclusion relative to the primary research question, and provides recommendations for further study.

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³Joint Field Contracting Office, Operation Restore Hope “Contracting After Action Report” (Memorandum), (Mombassa, Kenya: Headquarters, Operation Restore Hope Joint Field Contracting Office, 1993), 1-7; U.S. Army Center for Army Lessons Learned, “Operation Restore Hope Lessons Learned Report: 3 December 1992-4 May 1993” (Ft. Leavenworth, KS: U.S. Army Combined Arms Command, 1995), V-5. (FOUO)

⁴U.S. Army Center for Army Lessons Learned, “Operation Restore Hope Lessons Learned Report: 3 December 1992-4 May 1993” (Ft. Leavenworth, KS: U.S. Army Combined Arms Command, 1995), XI-13. (FOUO); U.S. Army Center for Army Lessons Learned, “Operation Restore Hope Lessons Learned Report (Revised Final Draft), Chapters VII-XIV” (Consolidated database of lessons learned), 16 August 1993, XI-17-XI-19,[CALL Database], Somalia Crisis Collection, SG Restore Hope, SSG AAR-059. (FOUO)

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⁶Joint Field Contracting Office, Operation Restore Hope “Contracting After Action Report” (Memorandum), (Mombassa, Kenya: Headquarters, Operation Restore Hope Joint Field Contracting Office, 1993), 1-7; U.S. Army Center for Army Lessons Learned, “Operation Restore Hope Lessons Learned Report: 3 December 1992-4 May 1993” (Ft. Leavenworth, KS: U.S. Army Combined Arms Command, 1995), V-5. (FOUO)

⁷Joint Field Contracting Office, Operation Restore Hope “Contracting After Action Report” (Memorandum), (Mombassa, Kenya: Headquarters, Operation Restore Hope Joint Field Contracting Office, 1993), 1-7.

⁸U.S. Army Center for Army Lessons Learned, “Operation Restore Hope Lessons Learned Report: 3 December 1992-4 May 1993” (Ft. Leavenworth, KS: U.S. Army Combined Arms Command, 1995), XI-18. (FOUO)

⁹Ibid., V-2. (FOUO)

¹⁰Joint Field Contracting Office, Operation Restore Hope “Contracting After Action Report” (Memorandum), (Mombassa, Kenya: Headquarters, Operation Restore Hope Joint Field Contracting Office, 1993), 1-7; Michael Toler, “Contingency Contracting: Operation Restore Hope” Contract Management (January 1995): 20-23.

¹¹U.S. Army Center for Army Lessons Learned, “Operation Restore Hope Lessons Learned Report: 3 December 1992-4 May 1993” (Ft. Leavenworth, KS: U.S. Army Combined Arms Command, 1995), XI-7-XI-8. (FOUO)

¹²Joint Field Contracting Office, Operation Restore Hope “Contracting After Action Report” (Memorandum), (Mombassa, Kenya: Headquarters, Operation Restore Hope Joint Field Contracting Office, 1993), 16; U.S. General Accounting Office, Contingency Operations: Opportunities to Improve the Logistics Civil Augmentation Program (Washington, DC: General Accounting Office, 1997), 7.

¹³Joint Field Contracting Office, Operation Restore Hope “Contracting After Action Report” (Memorandum), (Mombassa, Kenya: Headquarters, Operation Restore Hope Joint Field Contracting Office, 1993), 18.

¹⁴Ibid., 16-18.

¹⁵Ibid., 8.

¹⁶U.S. Air Force Materiel Command, “Trip Report: Operation Restore Hope” (Memorandum), (WPAFB, OH: Headquarters, Air Force Materiel Command, 13 June 1993), 7.

¹⁷U.S. Army Center for Army Lessons Learned, “Operation Restore Hope Lessons Learned Report: 3 December 1992-4 May 1993” (Ft. Leavenworth, KS: U.S. Army Combined Arms Command, 1995), V-5. (FOUO)

¹⁸U.S. Army Center for Army Lessons Learned, “Operation Restore Hope Lessons Learned Report (Revised Final Draft), Chapters VII-XIV” (Consolidated database of lessons learned), 16 August 1993, XI-19, [CALL Database], Somalia Crisis Collection, SG Restore Hope, SSG AAR-059. (FOUO)

¹⁹U.S. Army Corps of Engineers, “LOGCAP Event Somalia: Strategic Fiscal Planning” (JULLS Long Report), July 19, 1994, 1, [JULLS Data Base], JULLS Number: 70637-42348.

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CHAPTER FIVE

CONCLUSIONS AND RECOMMENDATIONS

Introduction

Chapter one of this thesis established the importance of peace operations to Department of Defense (DoD) agencies. It also outlined the major differences between the conduct of peace operations and conventional warfare. Peace operations are conducted in a different legal environment than conventional warfare. Peacetime laws and international agreements dominate.

Peace operations require for a high degree of unity of effort between DoD and non-DoD agencies. Missions normally associated with peace operations can involve multinational forces, nongovernment organizations, and participation by the UN or NATO. Peace operations involve non-standard configurations of DoD forces and unique mechanisms for logistical support. The nature of the peace operations mission coupled with restrictions in the number of available forces places a greater emphasis on obtaining logistics support from host nation and commercial sources.

The unique aspects of peace operations leads to a greater dependence on contingency contracting to provide materiel, supplies, and services necessary to accomplish the mission. This dependence was highlighted in the previous chapter during the analysis of four previous peace operations. These aspects also require a joint contingency contracting effort by the DoD agencies in order to maximize efficiency.

The central argument of this research is that DoD contracting activities have been inefficient in their conduct of contingency contracting during peace operations. The presence of inefficient contingency contracting was established during the review of background literature in chapter two, and identified and analyzed for previous peace operations in the last chapter. This final chapter will provide conclusions from the analysis of the inefficiencies in contingency contracting found in previous peace operations and present a review of new and draft doctrine, regulations, and procedures for contingency contracting. This chapter will then address the subordinate research questions, consider possible solutions to the primary problem of this research, state the conclusion for the primary research question, and provide a recommendation for applying the conclusion to DoD contingency contracting operations.

Purpose

The primary purpose of this research was to determine if there is a requirement for joint doctrine, tactics, techniques, and procedures applicable to all DoD agencies in order to improve contingency contracting during peace operations.

Research Conclusions

The conclusions for this research are presented as answers to the subordinate research questions identified in chapter one. These are:

1. What are the current contingency contracting doctrine, tactics, techniques, and procedures applicable to DoD contracting activities during peace operations?
2. What are the requirements within current doctrine, tactics, techniques, and procedures for coordination and integration with other DoD contracting activities?
3. What inefficiencies were evident in contingency contracting during previous peace operations?

4. What were the causes of these inefficiencies?
5. What new contingency contracting doctrine, tactics, techniques, and procedures are being considered by DoD agencies?
6. Will new doctrine, tactics, techniques, and procedures eliminate the causes of the inefficiencies in contingency contracting found during previous peace operations?

Current Contingency Contracting Doctrine, Tactics, Techniques, and Procedures

The literature review in chapter two established that the Federal Acquisition Regulation (FAR) and the Defense Federal Acquisition Regulation Supplement (DFARS) are the primary documents which govern contingency contracting by DoD agencies. The FAR and DFARS address contracting in peacetime environments with provisions for wartime contracting, contracting outside the U.S., and contracting under a declaration of contingency by the Secretary of Defense. The latter two provisions provide for an increase to the Simplified Acquisition Threshold and waive certain requirements on large purchases, respectively.¹

While both of the above provisions affect contingency contracting by DoD contracting activities, neither the FAR nor the DFARS contain sections which detail uniform regulations and procedures for the conduct of contingency contracting during peace operations. This leads to problems with the application of governing regulations and procedures to contingency contracting during peace operations. Evidence of these problems was shown in the previous chapter during Operations Restore Hope, Support Hope, Uphold Democracy, and Joint Endeavor.

The remaining documents which contain regulations and procedures for contingency contracting are specific for individual DoD agencies or contracting activities. These documents supplement the regulations, and procedures codified in the FAR and DFARS, and contain

differing degrees of regulations, and procedures governing contingency contracting. These regulations and procedures are not uniform throughout the DoD agencies. They contain differing requirements and procedures for conducting, reporting, monitoring, and approving waivers to regulations for contingency contracting operations. Evidence of these differences was also shown in the previous chapter during the analyses of the four previous peace operations.

The documents discovered during the literature review which contained doctrine for the planning, use, and conduct of contingency contracting were general in nature, and primarily outlined doctrinal processes for the individual services. The one exception was Joint Pub 4-0, Doctrine for Logistics Support of Joint Operations, which provided limited doctrine for contingency contracting during joint operations.

The review of current doctrine, tactics, techniques, and procedures substantiated that the current state of doctrine, regulations, and procedures for contingency contracting during peace operations results in inefficiencies and that no uniform doctrine, regulations, and procedures governing all DoD contracting activities.

Requirements for Coordination and Integration with other DoD Contracting Activities

The primary requirement found for coordinating contingency contracting efforts between DoD agencies during peace operations was the recommendation for establishing a CINC Logistics Procurement Support Board (CLPSB) found in Joint Pub 4-0.² While this recommendation was used during all of the peace operations analyzed, the board's name, organization, and procedures differed in each operation. This lack of a standardized organization and process led to inefficient contingency contracting operations. Each operation involved reinventing a version of the CLPSB during initial planning, and resulted in oversights to some degree. The numbers of inefficiencies found with planning and unity of effort of contingency

contracting operations was significant during each operation and partially due to no requirement for a standard CLPSB process or organization.

Joint Pub 4-0 does not require service participation in the CLPSB process, or assign the board responsibility for all contingency contracting efforts. LOGCAP and Real Estate acquisition are notable exceptions. Joint doctrine places these contracting efforts under the engineering effort.

Participation in the CLPSB process is not mandated for all DoD contracting activities in the joint doctrine. This has led to varying degrees of independent contingency contracting operations during the peace operations as shown in the previous chapter. The results of the analysis demonstrated that there are insufficient requirements for coordination and integration of the contingency contracting efforts of all DoD contracting activities during joint operations including participation in peace operations.

Inefficiencies Evident in Contingency Contracting Operations

The definition of efficient and inefficient contingency contracting during peace operations was developed from the application of the unique aspects of DoD participation in peace operations to the FAR performance standards for U.S. Government contracting. These performance standards, and the resulting dimensions of efficient contingency contracting were discussed in chapter three. The results of the analysis in the previous chapter identified a large number of inefficiencies with contingency contracting during previous peace operations.

The results of the analysis led to the conclusion there was no single discrete type of inefficient contingency contracting evident in all of the previous peace operations. Inefficient contingency contracting was evident in all of the defined dimensions, and involved both the

operations of specific DoD contracting activities as well as operations by multiple DoD contracting organizations.

Causes of Inefficient Contingency Contracting

The causes of the incidents of inefficient contingency contracting discovered in the previous chapter were numerous. The nature of the operations, and the interaction between the contracting activities and their multiple requiring activities, made it impossible to determine the exact number of causes for the inefficiencies. However, it was possible to identify four main categories of causes. These categories are: regulations and procedures which do not facilitate contracting for supplies and services in environments representative of peace operations, incomplete and/or ineffective planning for contingency contracting involving all participating DoD contracting activities, unnecessary and complex organizations for requesting and completing contingency contracting, and failure by all DoD contracting activities to completely coordinate and consolidate their contingency contracting efforts.

Results of the analysis led to the conclusion that the main causes of these inefficiencies correspond to the absence of specific doctrine, regulations, and procedures for both contingency contracting during peace operations, and joint contingency contracting by multiple DoD agencies. The current doctrine, regulations, and procedures governing contracting activities do not effectively address the main causes of inefficient contracting during peace operations and at times cause the inefficiencies through their requirements.

Emerging Contingency Contracting Doctrine, Tactics, Techniques, and Procedures

The primary new documents governing contingency contracting during peace operations are the 31 March 1997 editions of the FAR and DFARS. These editions incorporate changes to

contracting procedures outlined in the Federal Acquisition Streamlining Act (FASA) and the Federal Acquisition Reform Act (FARA) applicable to contingencies including peace operations. Examples of these changes include raising the Simplified Acquisition Threshold to \$200,000 without a declaration of contingency for peace operations, providing automatic waivers to requirements for use of certain contract clauses and reports and allowing use of simplified contract forms including, the SF44, for contracts up to \$200,000.³

The “Army FAR Supplement Number Two: Contingency Contracting” (Draft) and the “Navy Contingency Contracting Manual” (Draft) incorporate the above changes to the FAR and DFARS for their specific contingency contracting organizations. The literature review was not able to identify any new or draft versions of the Air Force FAR Supplement (AFFARS) appendix CC, Contingency Contracting Operational Support Program (CCOSP), or the Marine Corps Order P4200.15, Marine Corps Purchasing Procedures Manual, which incorporate the changes initiated by FASA or FARA.

New and draft doctrinal literature discovered during the literature review contained general doctrine for the planning , organizing, and conducting, contingency contracting during peace operations. This draft doctrine did not contain any significant new procedures or control mechanisms applicable to contingency contracting activities, only reiterations of the importance of contingency contracting and the benefits of a unified contingency contracting effort.

Will New Doctrine, Tactics, Techniques, and Procedures Eliminate the Causes of Inefficiencies?

The application of new and draft regulations and procedures to the results of the analysis in the previous chapter led to the conclusion that these documents will eliminate or reduce some but not all of the causes of inefficient contingency contracting during peace operations. The

changes to the FAR and DFARS have significantly reduced the peacetime laws and regulations which apply to contingency contracting during peace operations.

The primary effect of these reductions will be improvements in contingency contracting efficiency during peace operations. These improvements will reduce current inefficiencies caused by current regulations and procedures. One example of the above improvement is the elimination of the requirement to report contract actions over \$25,000 by the contracting officer to the governing contracting office for incorporation into a consolidated data base. This reporting requirement is very difficult to accomplish during a contingency due to the distance normally between the contracting officer and the governing contracting office, and the lack of specific data required by the report uncommon to commercial contractors outside of CONUS. The problem with this reporting requirement was highlighted as an example of inefficient operations in one of the after action reports used during the analysis of previous operations.⁴

These new and draft regulations and procedures will not be universally effective for contingency contracting operations involving multiple DoD contracting activities unless they are uniform in their incorporation of the above changes, and contain uniform procedures for the conduct of joint contingency contracting operations. The differences between the draft Army and Navy contingency contracting regulations amplifies this lack of uniformity. A review of these draft documents shows that they differ significantly in the incorporation of these FAR and DFARS changes, as well as contingency contracting procedures.⁵

While the new and draft doctrine discovered during this research will not effectively eliminate some causes of inefficient contingency contracting, they will not eliminate all of the causes. These documents do not provide sufficient detail for planning, use, or organization of either individual service or joint contingency contracting operations. It is evident from the analysis of the four previous peace operations that a significant number of the causes of

inefficient contingency contracting were due to this absence of uniform organizations and procedures, and incomplete planning for contracting operations.

All of the operations involved an attempt to consolidate all contingency contracting efforts. Each operation established a version of a joint CLPSB, with varying degrees of effect, and varying degrees of participation by the services. Standardized doctrine between the services for contingency contracting during peace operations is essential to eliminate a number of the major causes of inefficient contingency contracting, such as the lack of coordination and consolidation of effort and incomplete and/or ineffective planning.

Possible Solutions to The Problem

The above answers to the subordinate research questions establish that the current as well as new and draft doctrine, regulations, and procedures governing contingency contracting will not effectively eliminate all of the major causes of inefficient contingency contracting during peace operations. Before a conclusion can be made for the primary research question, other possible solutions for eliminating inefficient contingency contracting during peace operations were investigated. The possible solutions to the problem of inefficient contingency contracting during peace operations are limited by the following factors: they must adhere to U.S. contracting laws codified in the FAR, they must be attainable within the authority of DoD, and they must facilitate elimination of all of the major causes of inefficient contingency contracting operations by multiple DoD agencies.

This research identified three possible solutions to the problem of inefficient contingency contracting within the above limiting factors. These solutions involve combinations of changes to DFARS and service supplements governing peace operations, and development of

joint contingency contracting tactics, techniques, and procedures. The three solutions identified are:

1. Maintain current DFARS and service supplements and develop joint contingency contracting doctrine, tactics, techniques, and procedures during the planning stage for each peace operation.

This possible solution was determined to be deficient in both areas. Current service supplements differ in the application of DFARS regulations applicable to contingency contracting. The DFARS does not include a specific section which mandates standard contingency contracting regulations and procedures. The service supplements differ in their application of FAR and DFARS regulations and contain different contingency contracting procedures. Maintaining separate service supplements will not eliminate inefficiencies caused by differences in the regulations and procedures applicable to multiple DoD contracting activities participating in peace operations.

Establishing doctrine, tactics, techniques, and procedures for contingency contracting during the planning stage for each peace operation is deficient because of the normally short time frame for planning, and the complexity of the requirements for interaction between participating contracting activities. The previous peace operations analyzed in chapter four all exhibited inefficiencies caused by ineffective planning of the contingency contracting effort. Inefficiencies within the dimensions most affected by incomplete planning, completion of mission and unity of effort, were evident to the same degree despite differences in planning time and the complexity of the joint contingency contracting effort.

2. Maintain current DFARS and service supplements governing contingency contracting and develop joint contingency contracting doctrine, tactics, and procedures for peace operations.

This possible solution was determined to be deficient because of the potential for conflicts

between individual service contingency contracting regulations and doctrine, and any possible joint contingency contracting doctrine, tactics, techniques, and procedures. This solution would result in either operating with known conflicts between service regulations and procedures and the joint document, or overly generalized joint doctrine, tactics, techniques, and procedures which allows differences between service regulations.

3. Develop a DFARS supplement governing contingency contracting by all DoD contracting activities, and develop joint contingency contracting tactics, techniques, and procedures for peace operations. This was determined to be the best possible solution. Developing a DFARS contingency contracting supplement would provide uniform regulations and procedures applicable to all DoD contracting activities. This would eliminate inefficiencies caused by current differences between regulations governing individual contracting activities during a joint effort, and facilitate uniform incorporation of new changes to regulations affecting contingency contracting. It would also enable contracting officers from any service to augment another service's contingency contracting organization without additional training or unnecessary coordination.

Establishing joint tactics, techniques, and procedures would result in uniform contingency contracting organizations and procedures during peace operations. This would enable nonstandard organizations of multiple services to effectively plan for and utilize contingency contracting support during a peace operation without requiring an unnecessarily detailed planning process. It would also both facilitate the elimination of inefficient contingency contracting caused by insufficient command and control and unity of effort, and provide a central document for incorporating lessons learned from previous contingency contracting efforts.

Recommendations

The conclusions made for the subordinate research questions contained above, and the analysis of the above possible solutions to the primary research problem support the following conclusion to the primary thesis question: There is a requirement to establish joint doctrine, tactics, and procedures applicable to all DoD contracting activities during peace operations. The conclusion also led to a secondary requirement for a standard DFARS supplement governing contingency contracting.

The following discussion recommends the application of the conclusion to the primary thesis question. The secondary conclusion regarding establishing a standard DFARS supplement was not sufficiently investigated during this research to substantiate its parameters or to recommend its application. This secondary conclusion is included in the topics for further study.

Application

The procedure for the application of the primary conclusion of this research is detailed in Joint Publication 1-01, Joint Doctrine and Joint Tactics, Techniques, and Procedures Development Program. This process includes the submission and validation of a project proposal, the assignment of an office of primary responsibility (OPR) and a primary joint staff directorate for the project, development and coordination of a program development directive outlining guidance and minimum requirements concerning the topic, and development and staffing of the resulting joint doctrine, tactics, techniques, and procedures.⁶

The results of this research provide the information required to submit a project proposal for the initiation of this process. The following are recommendations derived from this research for required topics for inclusion in joint doctrine, tactics, techniques, and procedures for contingency contracting during peace operations:

1. Organization and staffing of joint contingency contracting offices.
2. Standard command and control of contingency contracting operations including processing and approval of requirements for contingency contracting support.
3. Appointment of a HCA and PARC responsible for all contingency contracting activities operating within the peace operation's AOR.
4. Standard procedures for processing waivers to existing FAR and DFARS contracting regulations and procedures.
5. Process for developing of standard requirements for LOGCAP support.
6. Process for centralized funding management and control for contracting requirements.
7. Standard procedures for staffing, organization, operations, and support for contingency contracting cells.
8. Detailed planning requirements for contingency contracting for inclusion in the Joint Operation Planning and Execution System (JOPES).
9. Standard procedures for contingency contract administration.
10. Standard procedures for requesting and leasing real estate.
11. Requirements for each unified command to establish and maintain a sources list detailing available host nation sources of supplies for their AOR.
12. Standard requirements for developing and negotiating contingency host nation support agreements.

The resulting joint doctrine, tactics, techniques, and procedures should be directive in nature and require participation by all contracting activities operation in the AOR, unless independent operations are authorized by the responsible JTF commander.

Topics for Future Study

The secondary conclusion of this research suggests that a detailed study should be conducted on establishing a DFARS contingency contracting supplement applicable to all DoD contracting activities. This study should validate the requirement for a DFARS supplement, determine whether to totally or partially eliminate service contingency contracting supplements, and develop the necessary contents of a DFARS supplement to eliminate the causes of inefficient contingency contracting.

Another recommended topic for further study resulting from this research is whether there is a valid requirement for a standing joint DoD organization responsible for contingency contracting support to all DoD agencies participating in contingency operations. It would be worthwhile to determine if future contingency operations can be more efficiently supported by a standing joint organization with the primary mission of planning, establishing, and operating all joint contingency contracting operations involving DoD.

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